

**Appendix B – KiwiRail and PNCC final conditions**

Base document for KiwiRail and PNCC's proposed conditions (as shown in black text) is KiwiRail's interim proposed conditions tabled at the hearing on 13 August 2021.

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021		PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021		KIWIRAIL COMMENTS	
<b>Definitions</b>					
<b>Term</b>	<b>Definition</b>	<b>Term</b>	<b>Definition</b>		
<a href="#">Completion</a>	<a href="#">Completion of construction of the Freight Hub.</a>	<a href="#">Commencement of operation</a>	<a href="#">[Awaiting definition from KiwiRail. It is assumed that this represents practical completion of all main stages, activities, buildings, structures and mitigation works of the Freight Hub].</a>	Commencement of operation	KiwiRail does not consider that this definition is necessary.
<a href="#">Designation Extent</a>	<a href="#">The land within the designation boundary shown in black outline on the Concept Plan (Figure 120) prepared by Stantec, dated 20 October 2020.</a>	<a href="#">Existing Dwelling</a>	<a href="#">Any building that, at [the date the Notice of Requirement is confirmed]:</a> - <a href="#">is being used as a dwelling, or</a> - <a href="#">is to be used as a dwelling and for which resource consent has been granted, but has not yet been constructed, or</a> - <a href="#">is to be used as a dwelling, and can be constructed as a permitted activity.</a>	Completion	KiwiRail has proposed a definition of completion.
<a href="#">Existing Dwelling</a>	<a href="#">As at 23 October 2020, any building:</a> <a href="#">(a) that was constructed as a lawful dwelling; or</a> <a href="#">(b) for which resource consent was granted for construction of a dwelling.</a>	<a href="#">Earthworks and Site Establishment Works</a>	<a href="#">All works associated with import and disposal of fill and establishment of the formation and foundation layers of the Freight Hub.</a>	Designation Extent	KiwiRail has proposed a definition of designation extent.
Freight Hub	All activities and structures shown on the Concept Plan (Figure 124) dated 12 February 2021, prepared by Stantec, <a href="#">except that for the purposes of Conditions 85 – 92 it excludes the North Island Main Trunk Line and the Perimeter Road.</a>	Freight Hub	All activities shown on the Concept Plan (figure 124) dated 12 February 2021, prepared by Stantec.	Existing Dwelling	The definition of existing dwelling should only relate to those dwellings that were constructed (lawfully) or for which resource consent has been granted as at the date the Notice of Requirement was lodged.
<a href="#">Habitable space</a>	<a href="#">Any room in a dwelling which is used or which can be used as a sitting room, a living room, a bedroom, a dining room, or a family room.</a>	<a href="#">Habitable room</a>	<a href="#">Means a room used for activities normally associated with domestic living, but excludes any bathroom, laundry, water closet, pantry, walk-in wardrobe, corridor, hallway, lobby, clothes drying room or other space of a specialised nature occupied neither frequently nor for extended periods.</a>	Earthworks and site establishment works	This term is not used in KiwiRail's proposed conditions.
Noise Mitigation Structures	The earth bunds and vertical noise barriers to mitigate noise effects.	Noise Mitigation Structures	The earth bunds and vertical noise barriers to mitigate noise effects.	Freight Hub	It is necessary to exclude the North Island Main Trunk Line and Perimeter Road from this definition for the purposes of conditions 85 – 92.
Perimeter Road	The physical works required to provide: (a) a new section of road south of Maple Street between Railway Road and Roberts Line; and (b) improvements to Roberts Line north west of the intersection at Roberts Line and Railway Road.	Perimeter Road	The physical works required to provide: (a) a new section of road <a href="#">between Railway Road south of Maple Street between Railway Road and Roberts Line; and</a> (b) <a href="#">improvements to Roberts Line, north west of the intersection at between Roberts Line and Railway Road;</a> (c) <a href="#">a safe separated shared path of at least 3.0m in width between Railway Road south of Maple Street and the intersection of Roberts Line and Railway Road;</a> (d) <a href="#">an asphaltic mix road surface on the Perimeter Road.</a>	Habitable space	KiwiRail's proposed definition reflects the definition of habitable room in the Palmerston North City District Plan.
Works	All physical works and activities <a href="#">(that are required for the construction of the Freight Hub, including all site establishment activities but excluding site investigations) that are required to construct the activities and all supporting infrastructure shown on the Concept Plan (Figure 120) prepared by Stantec, dated 20 October 2020.</a>	Works	All physical works and activities that are required for the construction of the Freight Hub, including all site establishment activities but excluding site investigations.	Noise mitigation structures	Definition agreed between KiwiRail and PNCC.
<b>General Conditions</b>					
1.	Except as modified by the conditions below and accompanying outline plan(s), the works authorised by this Designation <del>shall</del> <b>must</b> be undertaken in general accordance with the following information provided by the Requiring Authority:	1.	Except as modified by the conditions below and accompanying outline plan(s), the works authorised by this Designation <del>shall</del> <b>must</b> be undertaken in general accordance with the following information provided by the Requiring Authority:	Perimeter Road	The additions of the shared path and asphaltic surface are unnecessary as the requirements are detailed in the conditions.
				Works	KiwiRail has proposed further amendments to clarify that it applies to works for all activities and structures shown on the concept plan.

**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
<p>(a) the Notice of Requirement for the Freight Hub dated 23 October 2020 and the further information provided by the Requiring Authority dated 15 February 2021, 24 May 2021 and 28 May 2021;</p> <p>(b) Concept Plan (Figure 124<del>20</del>) dated <del>420 February-October 2020</del><del>4</del>, prepared by Stantec.</p> <p>(c) Draft indicative Landscape plan dated 6 July 2021 prepared by Isthmus Group (rev B); and</p> <p>(d) <del>information and evidence provided at the hearing</del> <u>evidence provided by the Requiring Authority dated 9 July 2021 and at the hearing in August / September 2021.</u></p>	<p>(a) the Notice of Requirement for the Freight Hub dated 23 October 2020 and the further information provided by the Requiring Authority dated 15 February 2021, 24 May 2021 and 28 May 2021;</p> <p>(b) Concept Plan (Figure 124) dated 12 February 2021, prepared by Stantec.</p> <p>(c) Draft indicative Landscape plan dated 6 July 2021 prepared by Isthmus Group (rev B); and</p> <p>(d) [information and evidence provided at the hearing]</p>	<p>is the most comprehensive depiction of the components of the Freight Hub. Conditions agreed otherwise between KiwiRail and PNCC.</p>
<p>2. Where there is any inconsistency between the Notice of Requirement documentation listed in <u>Condition 1</u> above and the designation conditions, the designation conditions <del>shall will</del> prevail.</p>	<p>2. Where there is any inconsistency between the Notice of Requirement documentation listed in <del>condition</del><u>Condition</u> 1 above and the designation conditions, the designation conditions shall prevail.</p>	<p>Agreed between KiwiRail and PNCC.</p>
<b>Lapse Period</b>		
<p>4. The designation <del>shall will</del> lapse if not given effect to within 15 years from the date on which it is included in the District Plan <del>under section 175 of the RMA.</del></p>	<p>4. The designation shall lapse if not given effect to within <del>45</del><u>10</u> years from the date on which it is included in the District Plan under section 175 of the RMA.</p>	<p>No agreed.</p>
<b>Management Plans</b>		
<p>5. <del>Prior-At least 20 working days prior</del> to the Works commencing or unless otherwise specified in the conditions below, the management plan(s) specified in Condition 9 (excluding the Road Network Integration Plan) <del>must shall</del> be submitted to the Head of Planning Services at Palmerston North City Council for certification that the management plan(s) meets the requirements of the relevant condition(s).</p>	<p>5. <del>Prior-At least 20 working days prior</del> to the Works commencing or unless otherwise specified in the conditions below, the management plan(s) specified in <del>e</del><u>Condition</u> 9 <del>(excluding the Road Network Integration Plan) shall</del> must be submitted to the Head of Planning Services at Palmerston North City Council for certification that the management plan(s) meets the requirements of the relevant condition(s).</p>	<p>KiwiRail does not agree that the Road Network Integration Plan should be subject to council certification process as PNCC is one of a number of stakeholders that is involved in the preparation of the Road Network Integration Plan.</p>
<p><u>5AA. Management plan(s) may be prepared and submitted for one or more stages, aspects, sections, or locations of works.</u></p>		
<p>5A. The management plan must be certified by the Palmerston North City Council Head of Planning Services, in accordance with the following process:</p> <p>(a) If the Requiring Authority has not received a response from the Head of Planning Services within 20 working days of the date of submission of the response under Condition 5, the management plan <del>is shall be</del> deemed to be certified.</p> <p>(b) If the Head of Planning Services response is that the management plan does not meet <u>the</u> requirements of the relevant condition(s), the Requiring Authority must consider any reasons and recommendations of the [Head of Planning Services] and resubmit an amended management plan for certification.</p> <p>(c) If the Requiring Authority has not received a response from the Head of Planning Services within 5 working days of the date of resubmission under <u>Condition 5A(b)</u> above, the management plan <del>shall be is</del> deemed to be certified.</p>	<p>5A. The management plan must be certified by the Palmerston North City Council Head of Planning Services, in accordance with the following process:</p> <p>(a) If the Requiring Authority has not received a response from the Head of Planning Services within 20 working days of the date of submission under Condition 5, the management plan shall be deemed to be certified.</p> <p>(b) If the Head of Planning Services response is that the management plan does not meet <u>the</u> requirements of the relevant condition(s), the Requiring Authority must consider any reasons and recommendations of the [Head of Planning Services] and resubmit an amended management plan for certification.</p> <p>(c) If the Requiring Authority has not received a response from the Head of Planning Services within 5 working days of the date of resubmission under condition 5A(b) above, the management plan shall be deemed to be certified.</p>	<p>KiwiRail proposes the addition of this condition for clarity that management plans can be prepared in stages as is consistent with the Outline Plans.</p> <p>Agreed between PNCC and KiwiRail</p>
<p><del>6. All works authorised by this designation shall be carried out in accordance with:</del></p> <p><del>(a) the applicable certified management plan(s) as may be amended in accordance with conditions 9A or 10; and</del></p> <p><del>(b) outline plan(s) that have been produced in accordance with section 176A of the RMA or any amended; and</del></p> <p><del>(c) other plans required by these conditions.</del></p>		
<b>Outline Plan(s)</b>		
<p><del>7. An outline plan or plans shall be prepared and submitted to the Council in accordance with section 176A of the RMA.</del></p>	<p>7. An outline plan or plans <del>shall must</del> be prepared and submitted to the Council in accordance with section 176A of the RMA.</p>	<p>While this condition was initially proposed by KiwiRail, it no longer considers that this condition is necessary. It is required to comply with the RMA.</p>

**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
8. The outline plan(s) may be submitted for the Freight Hub or for one or more stages, aspects, sections, or locations of works.	8. The outline plan(s) may be submitted for the Freight Hub or for one or more stages, aspects, sections, or locations of works.	Agreed between KiwiRail and PNCC.
<p>9. The outline plan(s) <del>shall</del><b>must</b> include any relevant plan for the particular design or construction or operational matters being addressed in the outline plan and any updates of any plans. The following must be included in an outline plan or plans (as relevant to the particular <u>stage, aspect, section or location of the</u> design or construction matters being addressed):</p> <ul style="list-style-type: none"> <li>(a) Construction Management Plan</li> <li>(b) Construction Traffic Management Plan</li> <li>(c) Construction Noise and Vibration Management Plan</li> <li>(d) Landscape and Design Plan</li> <li>(e) Construction Engagement Plan</li> <li>(f) Stormwater Management <del>Report</del><b>Plan</b></li> <li>(g) Stormwater Monitoring and Maintenance Plan</li> <li>(h) Road Network Integration Plan</li> <li>(i) Operational Noise and Vibration Management Plan</li> <li>(j) Operational Traffic Management Plan</li> <li>(k) Operational Lighting Design Plan</li> <li>(l) Operational Dust Management Plan</li> <li><u>(m) Geotechnical Report</u></li> </ul>	<p>9. The outline plan(s) <del>shall</del><b>must</b> include any relevant plan for the particular design or construction or operational matters being addressed in the outline plan and any updates of any plans. The following must be included in an outline plan or plans (as relevant to the particular design or construction matters being addressed):</p> <ul style="list-style-type: none"> <li>(a) Construction Management Plan</li> <li>(b) Construction Traffic Management Plan</li> <li>(c) Construction Noise and Vibration Management Plan</li> <li>(d) Landscape and Design <u>Management</u> Plan</li> <li>(e) Construction Engagement Plan</li> <li>(f) Stormwater Management Plan</li> <li>(g) Stormwater Monitoring and Maintenance Plan</li> <li>(h) Road Network Integration Plan</li> <li>(i) Operational Noise and Vibration Management Plan</li> <li>(j) Operational Traffic Management Plan</li> <li>(k) Operational Lighting Design Plan</li> <li>(l) Operational Dust Management Plan</li> <li><u>(m) Geotechnical report prepared in accordance with Condition 34B</u></li> <li><u>(n) Construction Dust Management Plan prepared in accordance with Condition 59G - 59J.</u></li> </ul>	<p>KiwiRail does not agree with PNCC's amendment to change the name of the Landscape and Design Plan in (d). KiwiRail does not agree with PNCC's proposed Construction Dust Management Plan in (n) for the reasons set out below.</p> <p>Addition of Geotechnical report agreed.</p>
<b>Amendments to management plans</b>		
<p>9A. The <del>Requirement</del><b>Requiring</b> Authority may make material amendments to any documents or plans listed in Condition 9 (excluding the Road Network Integration Plan) by following the process set out in <del>conditions</del><b>Conditions</b> 5 and 5A, unless the amendment is a minor amendment under <del>condition</del><b>Condition</b> 10.</p>	<p>9A. The <del>Requirement</del><b>Requiring</b> Authority may make material amendments to any documents or plans listed in <del>condition 9 (excluding the Road Network Integration Plan)</del><b>Condition 9</b> by following the process set out in <del>conditions</del><b>Conditions</b> 5 and 5A, unless the amendment is a minor amendment under <del>condition</del><b>Condition</b> 10.</p>	<p>KiwiRail does not consider that it is appropriate that the Road Network Integration Plan is subject to PNCC's certification process as it is one of a number of stakeholders involved in its preparation.</p>
<p>10. The documents and plans referred to in <del>condition</del><b>Condition</b> 9 (excluding the Road Network Integration Plan)- may be amended to provide updated information or reflect changes in design, construction methods or the management of effects without the need for re-certification or a further outline plan, where:</p> <ul style="list-style-type: none"> <li>(a) the amendment is in general accordance with the original document, plan, or outline plan and the relevant conditions under which that document or plan was prepared; or</li> <li>(b) the amendment is to give effect to an amendment required under another statutory approval; and</li> <li>(c) the amendment proposed is provided in writing to Palmerston North City Council at least 10 working days prior to the relevant works being undertaken; and</li> <li>(d) Palmerston North City Council confirms in writing that the amendments meet the requirements of <u>Condition 10</u>(a) or (b). If a response is not received from the Head of Planning Services at the Council within 5 working days of the date that it is provided in <u>Condition 10</u>(c), the amendments <del>shall be</del><b>are</b> deemed to be approved.</li> </ul>	<p>10. The documents and plans referred to in <del>condition</del><b>Condition</b> 9 (<del>excluding the Road Network Integration Plan</del>)- may be amended to provide updated information or reflect changes in design, construction methods or the management of effects without the need for re-certification, or a further outline plan, where:</p> <ul style="list-style-type: none"> <li>(a) the amendment is in general accordance with the original document, plan, or outline plan and the relevant conditions under which that document or plan was prepared; or</li> <li>(b) the amendment is to give effect to an amendment required under another statutory approval; and</li> <li>(c) the amendment proposed is provided in writing to Palmerston North City Council at least 10 working days prior to the relevant works being undertaken; and</li> <li>(d) Palmerston North City Council confirms in writing that the amendments meet the requirements of (a) or (b). If a response is not received from the Head of Planning Services within 5 working days of the date that it is provided in (c), the amendments shall be deemed to be approved.</li> </ul>	<p>For the reasons set out above, KiwiRail does not agree to removing the exclusion of the Road Network Integration Plan.</p>
	<p><u>10A. Commencement of detailed design</u>  <u>The Requiring Authority must notify the Head of Planning Services at Palmerston North City Council, in writing, at least 10 working days prior to commencement of the detailed design stage of the Freight Hub project. The notice of commencement must include:</u></p> <ul style="list-style-type: none"> <li><u>(a) the Mana Whenua Engagement Framework required by Condition 30;</u></li> <li><u>(b) the Design Framework required by Condition 32A;</u></li> <li><u>(c) the Geotechnical Report required by Condition 34B;</u></li> </ul>	<p>KiwiRail does not agree with PNCC's proposed condition and considers it unnecessary. The process is overly prescriptive and does not reflect the practical reality of how detailed design will be progressed. There is no clear demarcation as to what would be considered "commencement of detailed design" which makes this condition unenforceable.</p>

**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
	<p>(d) <a href="#">the Ecological Surveys required by Condition 99A;</a>                      (e) <a href="#">the Safety in Design report required by Condition 99C; and</a>                      (f) <a href="#">a record of the train operational simulation required by Condition 99D.</a></p>	
<p><b>Communication and Engagement</b>                      Community Liaison Forum</p>		
<p>11. Within 12 months of the [date the NoR is confirmed], the Requiring Authority <del>shall</del><b>must</b> establish a Community Liaison Forum.</p>	<p>11. Within 12 months of the [date the NoR is confirmed] <a href="#">and before commencing preparation of the Design Framework in accordance with Condition 32A</a>, the Requiring Authority <del>shall</del><b>must</b> establish a Community Liaison Forum.</p>	<p>KiwiRail does not agree with PNCC's proposed Design Framework.</p>
<p>12. The Requiring Authority <del>shall</del><b>must</b> maintain the Community Liaison Forum until at least 6 months after <del>commencement of operation</del><a href="#">Completion</a> of the Freight Hub.</p>	<p>12. The Requiring Authority <del>shall</del><b>must</b> maintain the Community Liaison Forum until at least 6 months after <a href="#">[commencement of operation]</a> of the Freight Hub.</p>	<p>Minor differences in wording due to definitions.</p>
<p>13. The purpose of the Community Liaison Forum is to provide an interactive forum through which the Requiring Authority can provide information to and receive feedback from the community on any matters relating to the design, construction and operation of the Freight Hub.</p>	<p>13. The purpose of the Community Liaison Forum is to provide an interactive forum through which the Requiring Authority can provide information to and receive feedback from the community on any matters relating to the design, construction and operation of the Freight Hub; <a href="#">including in respect of any staging of mitigation works or temporary mitigation works proposed, or the practicality and effectiveness of mitigation for staged development, and the nature of mitigation works proposed.</a></p>	<p>KiwiRail does not consider that the reference to staging and mitigation is necessary in the objective. The matters that the community will receive information on and be able to provide feedback on is outlined in condition 17 which explains how the objective is achieved. Including some aspects in the objective risks excluding other matters that the community can have a say on.</p>
<p>14. The Community Liaison Forum <del>shall</del><b>must</b> be open to mana whenua and all interested residents and organisations within the vicinity of the <del>Site</del><a href="#">Freight Hub</a>.</p>	<p>14. The Community Liaison Forum shall be open to mana whenua and all interested residents and organisations within the vicinity of the Site.</p>	<p>Minor differences in wording due to definitions.</p>
<p>15. The Requiring Authority <del>shall</del><b>must</b> <del>develop and implement:</del>                      (a) <del>a process for identifying and invite particular</del> parties that may be interested in participating in the Community Liaison Forum, including:                      (i) <del>local residents who submitted on the Notice of Requirement for the Designation;</del>                      (ii) <del>Bunnythorpe School and any childcare facilities in the vicinity;</del>                      (iii) <del>Community groups (including Bunnythorpe Community Centre, faith-based groups and residents organisations);</del>                      (iv) <del>Businesses and landowners (including in Bunnythorpe village and NEIZthe North East Industrial Zone);</del>                      (v) <del>cycling and walking groups (including Te Araroa Manawatū Trust); and</del>                      (b) <del>develop, in consultation with, the Community Liaison Forum participants the methods and frequency of communication with those who want to be informed and/or participate in the Community Liaison Forum participants.</del></p>	<p>15. The Requiring Authority <del>shall</del><b>must</b> develop and implement:                      (a) a process for identifying <a href="#">and inviting</a> particular parties that may be interested in participating in the Community Liaison Forum, including:                      (i) Bunnythorpe School and any childcare facilities;                      (ii) Community groups (including Bunnythorpe Community Centre, faith-based groups and residents organisations);                      (iii) Businesses <a href="#">and landowners</a> (including in Bunnythorpe village and <del>NEIZ</del><a href="#">the North East Industrial Zone</a>);                      (iv) cycling and walking groups (including Te Araroa Manawatū Trust); and                      (b) the methods of communication with those who want to be informed and/or participate in the Community Liaison Forum; <a href="#">and</a>                      (c) <a href="#">Terms of Reference and a Code of Conduct for the Forum, in conjunction with Forum members. The Terms of Reference and Code of Conduct must be established at the first meeting of the Forum.</a></p>	<p>KiwiRail considers that it is appropriate for local residents who have participated in the Notice of Requirement to be invited to participate in the forum. KiwiRail does not consider that the inclusion of terms of reference and a code of conduct is appropriate as this assumes that this forum will take the form of a formal community committee. The condition requires that KiwiRail work with the participants of the forum to determine the methods and frequency in which information is shared through the forum.</p>
<p><del>16. The Requiring Authority shall determine the frequency of updates to the community through the forum, which shall be at least every six months.</del></p>	<p>16. The Requiring Authority shall determine the frequency of updates to the community through the <del>forum</del><a href="#">Community Liaison Forum</a>, which shall be at least every six months <a href="#">until the Forum is disbanded</a>.</p>	<p>This condition should be removed because condition 15(b) of KiwiRail's proposed conditions require the frequency of updates to be determined in consultation with the community.</p>
	<p><del>16A. The Requiring Authority must provide reasonable administrative support for the Community Liaison Forum including but not limited to:</del>                      (a) <del>organising meetings at a local venue;</del>                      (b) <del>inviting all members of the Community Liaison Forum;</del>                      (c) <del>preparing and distributing an agenda to each Community Liaison Forum member no less than five working days prior to meetings;</del>                      (d) <del>facilitating meetings, including assisting the Forum to develop Terms of Reference and a Code of Conduct at the first meeting;</del>                      (e) <del>the taking and dissemination of meeting minutes;</del>                      (f) <del>conveying information received from the Community Liaison Forum back to the Requiring Authority; and</del>                      (g) <del>meeting all reasonable costs associated with resourcing the Community Liaison Forum.</del></p>	<p>As set out above, the form of the Community Liaison Forum will be determined with the community. PNCC's proposed conditions are overly prescriptive and pre-empt that process. KiwiRail does not consider that it is necessary to require that it provide assistance to the Community Liaison Forum as that is clear in the requirement for KiwiRail to establish and maintain the forum until completion of the Freight Hub.</p>

**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
<p>17. The Requiring Authority <del>shall</del><b>must</b>:</p> <p>(a) provide the Community Liaison Forum with up-to-date information about the design, construction and operation of the Freight Hub, including updates on material changes in design or activity <u>and complaints received in accordance with Condition 29</u>;</p> <p>(b) ensure that the Community Liaison Forum is provided with opportunities to provide feedback on matters, including:</p> <p>(i) draft documents and plans set out in <del>condition</del><u>Condition 9</u> and material updates to any plans in accordance with <del>condition</del><u>Condition 9A</u>;</p> <p>(ii) <del>the</del> timing and nature of mitigation works proposed;</p> <p>(iii) any regional resource consent applications and any proposed mitigation measures <u>associated with those consent applications</u>; and</p> <p>(c) <del>record any feedback provided via the Community Liaison Forum and collate any feedback received and report back to the community via the Community Liaison Forum as to how that feedback has been considered by the Requiring Authority.</del></p>	<p>17. The Requiring Authority <del>shall</del><b>must</b>:</p> <p>(a) provide the Community Liaison Forum with up-to-date information about the design, construction and operation of the Freight Hub, including updates on material changes in design or activity <u>and complaints received in accordance with Condition 29</u>;</p> <p>(b) ensure that the Community Liaison Forum is provided with opportunities to <u>review and</u> provide feedback on matters, including:</p> <p>(i) <u>the draft Design Framework, in accordance with Condition 32C</u>;</p> <p>(ii) <u>draft documents and plans set out in <del>condition</del>Condition 9 and material updates to any plans undertaken in accordance with <del>condition</del>Condition 9A, prior to the submission of these documents for certification</u>;</p> <p><del>(ii) the</del><u>(iii) implementation of the documents and plans set out in Condition 9</u>;</p> <p><del>(iii) the</del><u>(iv) the staging, timing and nature of mitigation works proposed, including any temporary mitigation</u>;</p> <p><del>(iiiiv) any regional resource consent applications and any proposed mitigation measures associated with those consent applications; and</del></p> <p>(c) record any feedback provided via the Community Liaison Forum and report back to the community via the Community Liaison Forum as to how that feedback has been considered <u>by the Requiring Authority</u>.</p>	<p>KiwiRail does not agree with the inclusion of the Design Framework for the reasons set out below and in its evidence. PNCC's suggestion to require the draft plans to be provided before they are submitted for certification is unnecessary as this is inherent in the requirement that these plans be provided in "draft".</p>
<b>Community Liaison Person</b>		
<p>18. Within 12 months of the [date the NoR is confirmed] the Requiring Authority <del>shall</del><b>must</b> appoint, in consultation with Palmerston North City Council, <del>an independent a</del> Community Liaison Person with particular skills in community engagement.</p>	<p>18. Within 12 months of the [date the NoR is confirmed] the Requiring Authority <del>shall</del><b>must</b> appoint, in consultation with Palmerston North City Council, <del>an independent a</del> Community Liaison Person with particular skills in community engagement.</p>	<p>Agreed between KiwiRail and PNCC.</p>
<p>19. The Community Liaison Person role <del>shall</del><b>must</b> be in place until at least 6 months after <del>commencement of operation</del><u>Completion</u> of the Freight Hub.</p>	<p>19. The Community Liaison Person role <del>shall</del><b>must</b> be in place until at least 6 months after [commencement of operation] of the Freight Hub.</p>	<p>Minor differences in wording due to definitions.</p>
<p>20. The role of the Community Liaison Person is to provide a point of contact for the community on behalf of the Requiring Authority for:</p> <p>(a) all enquiries relating to the Freight Hub, including land acquisition, construction or operational matters;</p> <p>(b) administering the Community Liaison Forum, once established in accordance with <del>condition</del><u>Condition 11</u>;</p> <p>(c) co-ordinating landowner engagement <del>required to mitigate effects from change in relation to the implementation of plans listed in Condition 9 and any relevant conditions of this Designation, to noise, landscape / visual and dust.</del></p>	<p>20. The role of the Community Liaison Person is to provide a point of contact for the community on behalf of the Requiring Authority for:</p> <p>(a) all enquiries relating to the Freight Hub, including land acquisition, construction or operational matters;</p> <p>(b) administering the Community Liaison Forum, once established in accordance with <del>condition</del><u>Condition 11</u>;</p> <p>(c) co-ordinating landowner engagement required to mitigate effects from <del>change</del><u>construction works, including changes to traffic, noise, landscape / visual and dust.</u></p>	<p>KiwiRail's proposed amendments to clarify that the role of the Community Liaison Person is broad and they will be a point of contact for the community in relation to the implementation of all the plans in this designation and any other relevant conditions.</p>
<p>22. The Requiring Authority <del>shall</del><b>must</b> make the contact details of the Community Liaison Person available to the community.</p>	<p>22. The Requiring Authority shall make the <u>name and</u> contact details of the Community Liaison Person available to the community.</p>	<p>KiwiRail does not consider it is necessary to require the "name" of the community liaison person to be expressed in this condition as this is inherent in the requirement to provide the contact details to the community.</p>
	<p><u>22A. If the Community Liaison Person will not be available for any reason, an alternative contact person shall be nominated by the Requiring Authority.</u></p>	<p>PNCC's proposed condition is unenforceable as it is unclear what is meant by "unavailable" and how PNCC would determine that from a regulatory perspective. This is also overly prescriptive.</p>
<b>Construction Engagement Plan</b>		
<p>23. <u>At least 20 working days prior to the Works commencing,</u> <del>the</del> Requiring Authority <del>shall</del><b>must</b> prepare a Construction Engagement Plan and implement the plan for the duration of construction.</p>	<p>23. The Requiring Authority <del>shall</del><b>must</b> prepare a Construction Engagement Plan and implement the plan for the duration of construction.</p>	<p>KiwiRail's proposed condition includes a timeframe for preparing the construction engagement plan consistent with the other construction management plans.</p>
<p>24. The objective of the Construction Engagement Plan <del>shall be is</del> to <u>ensure that parties that are affected by construction activities are informed of the timing and</u></p>	<p>24. The objective of the Construction Engagement Plan shall be to outline a process to ensure that the community is provided with construction information during</p>	<p>KiwiRail's proposed amendments ensure that the management plan has a clear and enforceable objective.</p>

**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
<p><del>nature of those activities</del>outline a process to ensure that the community is provided with construction information during construction of the Freight Hub.</p> <p>25. The Construction Engagement Plan <del>shall</del><b>must</b> include:</p> <p>(a) Contact details of the Community Liaison Person appointed <del>in accordance with</del> <del>pursuant to</del> <del>e</del>Condition 18.</p> <p>(b) A process for identifying the parties that will be communicated with, and the methods of communication, including:</p> <p>(i) the use of a project website for public information; and</p> <p>(ii) provision of an electronic and / or paper-based newsletter and its proposed delivery area for paper-based newsletters.</p> <p>(c) Information on the following, <del>as identified in the relevant management plan(s)</del>:</p> <p>(i) likely construction works and programme;</p> <p>(ii) hours of construction where these are outside of normal working hours or on weekends or public holidays, including night-time heavy vehicle movements;</p> <p>(iii) routes for construction vehicles, including vehicle movements and types (ie light or heavy vehicles);</p> <p>(iv) any temporary traffic management measures, including changes to pedestrian and cycling routes, public transport and school bus routes and the reinstatement of those routes;</p> <p>(v) progress of any construction works against key project milestones <del>and completion dates</del>; and</p> <p>(vi) <del>any measures to manage construction effects as identified in the Construction Management Plan, Construction Traffic Management Plan developed pursuant to condition 57, Construction Noise and Vibration Management Plan, Construction Lighting Management Plan, and Landscape and Design Plan.</del></p>	<p>construction of the Freight Hub; <del>and the mechanisms to communicate with the Requiring Authority during construction activities.</del></p> <p>25. The Construction Engagement Plan <del>shall</del><b>must</b> include:</p> <p>(a) Contact details of the Community Liaison Person appointed <del>pursuant to</del> <del>e</del><del>condition</del><del>under</del> Condition 18.</p> <p>(b) A process for identifying the parties that will be communicated with, and the methods of communication, including: <del>(but not limited to)</del>:</p> <p>(i) the use of a project website for public information; and</p> <p>(ii) provision of an electronic and / or paper-based newsletter and its proposed delivery area for paper-based newsletters.</p> <p>(c) Information on the following, <del>as identified in the relevant management plan(s)</del>:</p> <p>(i) likely construction works and programme;</p> <p>(ii) hours of construction where these are outside of normal working hours or on weekends or public holidays, including night-time heavy vehicle movements;</p> <p>(iii) routes for construction vehicles, including vehicle movements and types (ie light or heavy vehicles);</p> <p>(iv) any temporary traffic management measures, including changes to pedestrian and cycling routes, public transport and school bus routes and the reinstatement of those routes;</p> <p>(v) progress of any construction works against key project milestones and completion dates; and</p> <p>(vi) <del>how the effects of construction activities will be mitigated, including through the Construction Management Plan, Construction Traffic Management Plan, Construction Noise and Vibration Management Plan, Landscape and Design Management Plan, Construction Dust Management Plan and Construction Lighting Management Plan developed pursuant to condition</del>in accordance with Conditions 57, 61, 68, 53, 59G and 59M.</p>	<p>Minor differences in wording in the conditions between PNCC and KiwiRail.</p>
<b>Complaints Register</b>		
<p>26. Within 12 months of [date the NoR is confirmed] the Requiring Authority <del>shall</del><b>must</b> establish a register <del>to record of</del> any complaints received and action undertaken by the Requiring Authority in response to the complaint, and maintain the register until at least 6 months after <del>commencement of operation</del><del>Completion of the Freight Hub</del>.</p>	<p>26. Within 12 months of [date the NoR is confirmed] the Requiring Authority <del>shall</del><b>must</b> establish a register of any complaints received and action undertaken by the Requiring Authority in response to the complaint, and maintain the register until at least 6 months after [commencement of operation] of the Freight Hub.</p>	<p>Minor differences in wording to align with definitions.</p>
<p>27. The complaints register must include:</p> <p>(a) the name and contact details of the complainant;</p> <p>(b) the nature and details of the complaint; and</p> <p>(c) measures taken by the Requiring Authority to respond to the complaint or where any measures have not been taken, the reasons why.</p>	<p>27. The complaints register must include:</p> <p>(a) the name and contact details of the complainant;</p> <p>(b) the nature and details of the complaint; and</p> <p>(c) measures taken by the Requiring Authority to respond to the complaint or where any measures have not been taken, the reasons why.</p>	<p>Agreed between KiwiRail and PNCC.</p>
<p>28. The complaints register <del>shall</del><b>must</b> be made available to Palmerston North City Council upon request, <del>subject to compliance with privacy obligations</del>.</p>	<p>28. The complaints register <del>shall</del><b>must</b> be made available to Palmerston North City Council upon request.</p>	<p>Agreed between KiwiRail and PNCC, subject to a minor addition to reflect constraints around release of information for privacy reasons.</p>
<p>29. The Requiring Authority <del>shall</del><b>must</b> provide regular updates to <del>the community through</del> the Community Liaison Forum on complaints received and any measures to address any complaints identified.</p>	<p>29. The Requiring Authority <del>shall</del><b>must</b> provide regular updates to the community through the Community Liaison Forum on complaints received and any measures to address any complaints identified.</p>	<p>Minor differences in wording.</p>
<b>Mana Whenua</b>		
<b>Mana Whenua Values</b>		
<p>30. The Requiring Authority <del>shall</del><b>must</b> prepare an <del>Mana Whenua</del> Engagement Framework <del>in partnership with Mana Whenua for the Freight Hub in accordance with the principles of Te Tiriti o Waitangi</del>.</p>	<p>30. <del>Within 12 months of the [date the NoR is confirmed] and before commencing preparation of the Design Framework in accordance with Condition 32A and the detailed design stage of the Freight Hub,</del> <del>t</del>The Requiring Authority <del>shall</del><b>must</b></p>	<p>KiwiRail has engaged with mana whenua in relation to the proposed conditions and its wording should be included. These conditions have been relocated above in KiwiRail's final condition set.</p>

**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
	prepare a Mana Whenua Engagement Framework <del>within 12 months of confirmation of the designation and before commencing detailed design stage of the Freight Hub.</del> <u>The Requiring Authority must provide a copy of the Mana Whenua Engagement Framework to the Palmerston North City Council in accordance with Condition 10A.</u>	
30A <u>The Engagement Framework will recognise Kaupapa based models such as Whānau Ora Outcomes, Te Whare Tapa Whā values and Te Pae Mahutonga Attributes.</u>	30A. <u>The mana whenua engagement framework must achieve the objective set out in Condition 31 and must be implemented when undertaking all works and activities authorised by the Designation.</u>	
31. The objective of the Mana Whenua Engagement Framework is to <u>honour, recognize and provide for mana whenua values, and tikanga and kawa participation</u> in the area affected by the Freight Hub, to develop mechanisms to avoid, <del>or</del> mitigate, <u>compensate or offset</u> effects on mana whenua values <u>and tikanga</u> through the implementation of agreed <u>participation, monitoring and mitigation measures and provide opportunities for expression of those values and tikanga through design and development beyond completion of the overall project.</u>	31. The objective of the Mana Whenua Engagement Framework is to <del>recognize</del> <u>recognise</u> and provide for mana whenua values in the area affected by the Freight Hub, to develop mechanisms to avoid or mitigate effects on mana whenua values through the implementation of agreed monitoring and mitigation measures and <u>to</u> provide opportunities for expression of those values through design.	
32. <del>The Requiring Authority shall engage with mana whenua to develop the contents of the Mana Whenua</del> <u>The Engagement Framework, which may include will include as a minimum:</u> (a) <u>key</u> roles and responsibilities <del>of for</del> <u>Mana Whenua at the governance and operational levels</u> , including in relation to design and development of the Freight Hub; (b) involvement in <u>cultural impact assessments, preparation and implementation</u> of management plans <u>as part of this designation and any management plans that are developed as part of regional resource consents</u> ; (c) monitoring <u>and exercise of kaitiakitanga and manākitanga</u> activities to be undertaken <u>including in particular, regular monitoring of ngā Puna and waterways to be carried out in partnership with Mana Whenua and implementation of adaptive management strategies to address water quality issues if agreed standards are not met</u> ; (d) involvement in developing, <u>approving</u> and partaking in accidental discovery protocols <u>and any archaeological authorities and wildlife permits required</u> ; (e) <u>overall</u> site dedication <u>and other tikanga</u> protocols <u>to be performed by Mana Whenua; and</u> (f) opportunities for the expression of <del>mana</del> <u>Mana Whenua</u> values <u>and tikanga</u> in the design, <del>and</del> <u>development and operation</u> of the Freight Hub; (g) <u>any employment, training scholarship, procurement and investment opportunities as part of the development of the Freight Hub; and</u> (h) <u>any mahi toi to be developed as part of the project.</u>	32. The Requiring Authority <del>shall</del> <u>must</u> engage with mana whenua to develop the contents of the Mana Whenua Engagement Framework, which may include: (a) roles and responsibilities of mana whenua, including in relation to design and development of the Freight Hub; (b) involvement in preparation of <u>the Design Framework and</u> management plans; (c) monitoring activities to be undertaken; (d) involvement in developing and partaking in accidental discovery protocols; (e) site dedication protocols; and (f) opportunities for the expression of mana whenua values in the design and development of the Freight Hub, <u>including through the Design Framework and management plans.</u>	
<u>Design Framework</u>		
	32A. <u>The Requiring Authority must prepare a Design Framework before commencing the detailed design stage of the Freight Hub and before preparation of the management plans in Condition 9.</u>	KiwiRail does not agree with the inclusion of the Design Framework.
	32B. <u>The Design Framework must:</u> (a) <u>collate and set out the key design principles to inform the detailed design of the Freight Hub, as required by Condition 32G(a); and</u> (b) <u>identify design outcomes that the detailed design should seek to achieve in accordance with Condition 32G(b), including but not limited to, opportunities for the detailed design to reflect community and mana whenua values identified in the design principles</u>	

**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
	<p><u>32C. The Requiring Authority must invite and make provision for, the Community Liaison Forum and mana whenua to actively participate in the development of the Design Framework, including participation in defining and confirming the key design principles to be included in the Design Framework.</u></p>	
	<p><u>32D. The detailed design of the Freight Hub must demonstrate how the key design principles have been adhered to and the detailed design must give effect, where practicable, to the design outcomes identified in the Design Framework.</u></p>	
	<p><u>32E. The Requiring Authority must provide a copy of the final Design Framework to the Palmerston North City Council (Head of Planning Services) in accordance with Condition 10A.</u></p>	
	<p><u>32F.</u></p> <p><u>(a) Any management plan required by conditions of this designation, or outline plan prepared and submitted in accordance with section 176A of the RMA, must demonstrate how the key design principles have been adhered to and give effect, where practicable, to the design outcomes identified in the Design Framework, to the extent those design principles and design outcomes are relevant to the content of those management or outline plans.</u></p> <p><u>(b) Any management plan required by conditions of this designation, and any outline plan prepared and submitted in accordance with section 176A of the RMA, must be accompanied by a design review statement that describes how the management plan and Freight Hub design adheres to the key design principles and gives effect, where practicable, to the design outcomes identified in the Design Framework.</u></p>	
	<p><u>32G. Design Principles:</u></p> <p><u>(a) The compendium of design principles developed in the Design Framework should collate relevant principles identified in the documents in Condition 1 and address, at a minimum, the following matters:</u></p> <ul style="list-style-type: none"> <li><u>(i) KiwiRail's operational requirements, including in relation to health and safety;</u></li> <li><u>(ii) An interdisciplinary approach with effectively integrates various design elements;</u></li> <li><u>(iii) Appropriately integrate the Freight Hub with its immediate and wider landscape setting, including through the design of buildings and structures;</u></li> <li><u>(iv) principles to inform design of noise mitigation measures, so as to have particular regard to visual amenity, outlook and privacy, and landscape character;</u></li> <li><u>(v) principles to inform design of lighting, so as to have particular regard to visual amenity, landscape character and natural darkness of the night sky;</u></li> <li><u>(vi) design principles to reflect community identity and place and/or cultural and historical values, as identified through engagement with the Community Liaison Forum;</u></li> <li><u>(vii) design principles to reflect cultural values, as identified through engagement with mana whenua;</u></li> </ul> <p><u>Design Outcomes:</u></p> <p><u>(b) The Design Framework should if possible, identify opportunities for the detailed design of the Freight Hub to:</u></p>	



**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
	<ul style="list-style-type: none"> <li>(i) <u>provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;</u></li> <li>(ii) <u>provide beneficial outcomes for natural character, landscape character and visual amenity-;</u></li> <li>(iii) <u>maintain and/or enhance amenity values in the wider landscape-;</u></li> <li>(iv) <u>provide for community connectivity around the site, including pedestrian and cycle access to and from Bunnythorpe;</u></li> <li>(v) <u>reflect the rural character and context of the local environment .</u></li> </ul>	
	<p><u>32H. If an outline plan for the Freight Hub has not been submitted to the Palmerston North City Council within 5 years of the date the Design Framework was provided to the Council in accordance with Condition 32E, the Requiring Authority must undertake a review of the Design Framework to ensure that the principles and design outcomes remain relevant and appropriate.</u></p> <p><u>The Requiring Authority must invite, and make provision for, the Community Liaison Forum and mana whenua to actively participate in the review of the Design Framework.</u></p>	
	<p><u>32I If a review of the Design Framework required by Condition 32H finds that the Design Framework should be amended, the Requiring Authority must amend the Design Framework and provide a copy of the amended Design Framework to the Palmerston North City Council as soon as reasonably practicable.</u></p>	
<p><b>Site Investigations</b><u>Geotechnical report</u></p>		
<p><del>33. The Requiring Authority shall undertake a detailed site investigation in accordance with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ("NES-CS") and obtain any resource consents required under the NES-CS.</del></p>	<p>33. The Requiring Authority <del>shall</del><b>must</b> undertake a detailed site investigation in accordance with the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 ("NES-CS") and obtain any resource consents required under the NES-CS.</p>	<p>While KiwiRail had originally proposed this condition, this condition is unnecessary as this is a requirement of the National Environmental Standard which it is required to comply with as a matter of law.</p>
<p><del>34. The Requiring Authority shall ensure that any contaminated soil identified from the detailed site investigation is managed in accordance with the requirements of the NES-CS, and where appropriate prepare a Contaminated Site Management Plan.</del></p>	<p>34. The Requiring Authority <del>shall</del><b>must</b> ensure that any contaminated soil identified from the detailed site investigation is managed in accordance with the requirements of the NES-CS, and where appropriate prepare a Contaminated Site Management Plan.</p>	<p>While KiwiRail had originally proposed this condition, this condition is unnecessary as this is a requirement of the National Environmental Standard which it is required to comply with as a matter of law.</p>
<p><del>34A. Prior to undertaking any site investigations not captured by conditions 33 and 34, the Requiring Authority shall:</del></p> <ul style="list-style-type: none"> <li><del>(a) engage with the Palmerston North City Council on the parameters of those investigations, including the location and nature of investigations; and</del></li> <li><del>(b) seek input from mana whenua in relation to developing protocols for any intrusive site investigations.</del></li> </ul> <p><del>The site investigations shall be undertaken by a suitably qualified and experienced person.</del></p>	<p>34A. Prior to undertaking any site investigations not captured by <del>conditions</del><b>Conditions</b> 33 and 34, the Requiring Authority <del>shall</del><b>must</b>:</p> <ul style="list-style-type: none"> <li>(a) engage with the Palmerston North City Council on the parameters of those investigations, including the location and nature of investigations; and</li> <li>(b) seek input from mana whenua in relation to developing protocols for any intrusive site investigations.</li> </ul> <p>The site investigations <del>shall</del><b>must</b> be undertaken by a suitably qualified and experienced person.</p>	<p>KiwiRail considers that this condition is unnecessary and overly prescriptive.</p>
<p>34B. <u>Prior to commencement of the Works, A</u> geotechnical report <del>shall</del><b>must</b> be prepared by a suitably qualified and experienced person and provided to the Palmerston North City Council (<u>Head of Planning Services</u>), to <del>confirm that</del><b>identify the land is suitable for development and that</b> any risk of instability <u>on land within the Designation Extent</u> and confirm that any such risk can be <del>avoid</del><b>avoided</b>, remedied or mitigated.</p>	<p>34B. <del>A</del><u>Prior to commencement of the detailed design stage, a</u> geotechnical report <del>shall</del><b>must</b> be prepared by a suitably qualified and experienced person <u>on behalf of the Requiring Authority</u> and provided to the Palmerston North City Council (<u>Head of Planning Services</u>) in accordance with <u>Condition 10A</u>, to confirm that the <u>Designation</u> land is <u>physically</u> suitable for <u>the proposed</u> development and that any risk of instability <u>within the Designation</u> can be <del>avoid</del><b>avoided</b>, remedied or mitigated.</p>	<p>It is appropriate for the Report to be undertaken prior to construction works commencing. KiwiRail's proposed conditions also clarify the role of the report being to confirm that any risk of instability on the land can be avoided, remedied or mitigated.</p>
<p><b>Archaeology</b></p>		
<p>35. <u>Prior to commencement of any Works,</u> <del>The</del> Requiring Authority <del>shall</del><b>must</b> <del>ensure that where any land disturbing works occur in an area of the Designation which is not subject to an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014,</del> prepare an accidental discovery protocol <del>is in place</del><b>in</b></p>	<p>35. The Requiring Authority <del>shall</del><b>must</b> ensure that where any land disturbing works occur in an area of the Designation which is not subject to an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014, an accidental discovery protocol is in place.</p>	<p>KiwiRail's proposed conditions include a timeframe for preparation of an accidental discovery protocol, being prior to the commencement of any construction works.</p>

**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
<p><a href="#">accordance with Condition 36 and implement the accidental discovery protocol for the duration of the Works.</a></p>		
<p>36. The accidental discovery protocol <del>shall</del><b>must</b> be prepared in collaboration with mana whenua and in consultation with Heritage New Zealand Pouhere Taonga, and <del>shall</del><b>must</b> include:</p> <ul style="list-style-type: none"> <li>(a) details of contractor training regarding the skills necessary to be aware of the possible presence of cultural or archaeological sites or material;</li> <li>(b) general procedures following the accidental discovery of possible archaeological sites, kōiwi tangata, wahi tapu or wahi taonga, including the requirement to immediately cease the Works in the vicinity of the discovery and the requirement to notify parties including, but not limited to, Heritage New Zealand Pouhere Taonga;</li> <li>(c) in the event that kōiwi tangata or taonga are discovered, work must cease immediately in the vicinity of the remains and mana whenua, Heritage New Zealand Pouhere Taonga, New Zealand Police and Palmerston North City Council must be contacted;</li> <li>(d) procedures for the custody of taonga (excluding kōiwi tangata) or material found at an archaeological site; and</li> <li>(e) activities that must be undertaken before construction activities in the vicinity of a discovery may recommence, including appropriate tikanga, recording, recovery of artifacts, and engagement.</li> </ul>	<p>36. The accidental discovery protocol <del>shall</del><b>must</b> be prepared in collaboration with mana whenua and in consultation with Heritage New Zealand Pouhere Taonga, and <del>shall</del><b>must</b> include:</p> <ul style="list-style-type: none"> <li>(a) details of contractor training regarding the skills necessary to be aware of the possible presence of cultural or archaeological sites or material;</li> <li>(b) general procedures following the accidental discovery of possible archaeological sites, kōiwi tangata, wahi tapu or wahi taonga, including the requirement to immediately cease the Works in the vicinity of the discovery and the requirement to notify parties including, but not limited to, Heritage New Zealand Pouhere Taonga;</li> <li>(c) in the event that kōiwi tangata or taonga are discovered, work must cease immediately in the vicinity of the remains and mana whenua, Heritage New Zealand Pouhere Taonga, New Zealand Police and Palmerston North City Council must be contacted;</li> <li>(d) procedures for the custody of taonga (excluding kōiwi tangata) or material found at an archaeological site; and</li> <li>(e) activities that must be undertaken before construction activities in the vicinity of a discovery may recommence, including appropriate tikanga, recording, recovery of artifacts, and engagement.</li> </ul>	<p>Agreed between PNCC and KiwiRail.</p>
<p><b>Stormwater</b> Stormwater Management Report</p>		
<p>37. The Requiring Authority <del>shall</del><b>must</b> prepare and submit a Stormwater Management Report with the first outline plan to Palmerston North City Council <del>containing details of the stormwater detention ponds.</del></p>	<p>37. The Requiring Authority <del>shall</del><b>must</b> prepare and submit a Stormwater Management Report with the first outline plan to Palmerston North City Council containing details of the stormwater detention ponds <del>and the management of potential flooding effects.</del></p>	<p>KiwiRail does not agree with PNCC's condition which propose to include the content of the stormwater report. The purpose of this condition is to require the preparation of the report.</p>
<p>38. The Stormwater Management Report <del>shall</del><b>must</b> be prepared by a suitably qualified and experienced person.</p>	<p>38. The Stormwater Management Report <del>shall</del><b>must</b> be prepared by a suitably qualified and experienced person.</p>	<p>Agreed between KiwiRail and PNCC.</p>
<p>39. The <del>purpose</del><b>objective</b> of the Stormwater Management Report is to confirm the design of the stormwater detention ponds is sufficient to mitigate the potential <del>downstream</del> flooding effects as a result of any increased stormwater runoff from the Freight Hub and <del>or</del> the loss of flood plain storage as a result of the site formation.</p>	<p>39. The <del>purpose</del><b>objective</b> of the Stormwater Management Report is to confirm the design of the stormwater detention ponds is sufficient to mitigate the potential <del>downstream</del> flooding effects as a result of any increased stormwater runoff from the Freight Hub and <del>or</del> the loss of flood plain storage as a result of the site formation.</p>	<p>Agreed between KiwiRail and PNCC.</p>
<p>40. The Stormwater Management Report <del>shall</del><b>must</b>:</p> <ul style="list-style-type: none"> <li>(a) <del>achieve the objective in Condition 39;</del></li> <li>(b) outline the results of <del>hydrologic and</del> hydraulic modelling of the Mangaone Stream Catchment as affected by the Freight Hub; and</li> <li>(bc) <del>provide hydraulic details to</del> confirm the appropriate size of the stormwater detention ponds;</li> <li>(d) <del>identify potential effects of the Freight Hub site development on flood risk;</del></li> <li><del>and</del></li> <li>(e) <del>identify methods for mitigation of any identified flooding effects.</del></li> </ul>	<p>40. The Stormwater Management Report <del>shall</del><b>must</b>:</p> <ul style="list-style-type: none"> <li><del>(a) —</del>(a) <del>achieve the objective in Condition 39;</del></li> <li>(b) outline the results of <del>hydrologic and</del> hydraulic modelling of the Mangaone Stream Catchment as affected by the Freight Hub; <del>and</del></li> <li>(c) confirm the appropriate size of the stormwater detention ponds;</li> <li>(d) <del>identify potential effects of the Freight Hub site development on flood risk; and</del></li> <li>(e) <del>identify methods for mitigation of any identified flooding effects.</del></li> </ul>	<p>Agreed between KiwiRail and PNCC.</p>
<p>Stormwater Management and Monitoring Plan</p>		
<p>41. <del>At least three months prior to the delivery of the relevant part of the stormwater system as outlined in the construction programme in Condition 59,</del> The Requiring Authority <del>shall</del><b>must</b> prepare and implement a Stormwater Management and Monitoring Plan.</p>	<p>41. The Requiring Authority <del>shall</del><b>must</b> prepare and implement a Stormwater Management and Monitoring Plan. <del>The Stormwater Management and Monitoring Plan must be submitted to the Palmerston North City Council with the first outline plan.</del></p>	<p>KiwiRail does not consider that it is appropriate for this management plan to be submitted with the first outline plan of works as there are a range of workstreams that need to occur as part of this management plan.</p>

**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
42. The objective of the Stormwater Management and Monitoring Plan is to <del>outline the design features for the effective operation of</del> <u>demonstrate that</u> the stormwater system, and the methods for the monitoring and maintenance of the stormwater system <del>will be effective.</del>	42. The objective of the Stormwater Management and Monitoring Plan is to outline the design features for the effective operation of the stormwater system, and the methods for the monitoring and maintenance of the stormwater system.	KiwiRail's proposed amendment clarify the objective of the management plan.
43. The Stormwater Management and Monitoring Plan <del>shall</del> <u>must</u> be prepared by a suitably qualified and experienced person.	43. The Stormwater Management and Monitoring Plan <del>shall</del> <u>must</u> be prepared by a suitably qualified and experienced person.	Agreed between PNCC and KiwiRail.
44. The Stormwater Management and Monitoring Plan <del>shall</del> <u>must</u> include: (a) design measures to assist with achieving hydraulic neutrality and methods to assist with stormwater treatment and contaminant removal utilising natural systems including retention areas, permeable surfaces, wetlands/swales and appropriate vegetation; (b) the methods that will be used for the operation and maintenance of the stormwater management system to ensure its successful long-term performance, including sediment removal, clearance of debris, replacement of vegetation, <del>and</del> training of operators, <u>and separation or secondary containment of any high-risk contamination areas</u> ; and (c) details of the location, operation and maintenance of any stormwater outlets from the site, including emergency spillway.	44. The Stormwater Management and Monitoring Plan <del>shall</del> <u>must</u> include: (a) design measures to assist with achieving hydraulic neutrality and methods to assist with stormwater treatment and contaminant removal utilising natural systems including retention areas, permeable surfaces, wetland/swales and appropriate vegetation; (b) the methods that will be used for the operation and maintenance of the stormwater management system to ensure its successful long-term performance, including sediment removal, clearance of debris, replacement of vegetation, <del>and</del> training of operators, <u>and separation or secondary containment of any high-risk contamination areas</u> ; and (c) details of the location, operation and maintenance of any stormwater outlets from the site, including emergency spillway.	Agreed between PNCC and KiwiRail.
	44A. <u>The Requiring Authority must design, construct, operate and maintain all devices that accept, convey, detain and treat stormwater, to and from the Freight Hub site, including for:</u> <u>(a) stormwater generated from within the Freight Hub site,</u> <u>(b) stormwater redirected through or around the site, and</u> <u>(c) stormwater from roading and other structures constructed as part of the Freight Hub and in Palmerston North City Council ownership.</u>	KiwiRail does not agree with PNCC's proposed conditions which require KiwiRail to treat stormwater redirected through its site. It is clear from the Notice of Requirement and these conditions that KiwiRail is required to design and construct the stormwater devices that KiwiRail is designing and constructing the stormwater devices to treat the stormwater runoff from its site.
<b>Level Crossings</b>		
45. At least 12 months prior to submission of the first outline plan, the Requiring Authority <del>shall</del> <u>must</u> commission Level Crossing Safety Impact Assessments or update any existing assessments to determine the impact of the Freight Hub on the following crossings: (a) the Campbell Road/Kairanga Bunnythorpe Road level crossing; (b) the Waughs Road/Campbell Road level crossing; (c) pedestrian level crossings in the vicinity of Aorangi Marae and Taonui School; and (d) Campbell Road crossing south of Feilding. The Requiring Authority <del>shall</del> <u>must</u> provide copies of the Level Crossing Safety Impact Assessments or updates to any existing assessments to the Palmerston North City Council and / or <del>Manuwatu</del> <u>Manawatu</u> District Council.	45. At least 12 months prior to submission of the first outline plan, the Requiring Authority <del>shall</del> <u>must</u> commission Level Crossing Safety Impact Assessments or update any existing assessments to determine the impact of the Freight Hub on the following crossings: (a) the Campbell Road/Kairanga Bunnythorpe Road level crossing; (b) the Waughs Road/Campbell Road level crossing; (c) pedestrian level crossings in the vicinity of Aorangi Marae and Taonui School; and (d) Campbell Road crossing south of Feilding. The Requiring Authority shall provide copies of the Level Crossing Safety Impact Assessments or updates to any existing assessments to the Palmerston North City Council and / or <del>Manuwatu</del> <u>Manawatu</u> District Council.	Agreed between KiwiRail and PNCC.
46. The Requiring Authority <del>will</del> <u>must</u> engage with Palmerston North City Council and <del>Manuwatu</del> <u>Manawatu</u> District Council <u>in relation to the appropriately allocation and timing of implementation responsibilities based on the implementation of the recommendations in each Level Crossing Safety Impact Assessment and agree the allocation of responsibilities if any upgrade is required.</u>	46. The Requiring Authority <del>will</del> <u>must</u> engage with Palmerston North City Council and <del>Manuwatu</del> <u>Manawatu</u> District Council to appropriately allocate <del>implementation responsibilities based on for, and agree the timing of, implementation of</del> the recommendations in each Level Crossing Safety Impact Assessment <u>and agree the allocation of responsibilities, including</u> if any upgrade is required.	KiwiRail's proposed amendments to reflect that it will engage with PNCC and Manawatu District Council in relation to the recommendations of any level crossing safety impact assessment.
45A. Unless already closed by the <u>Palmerston North City Council</u> , the Requiring Authority <del>shall</del> <u>must</u> close the Roberts Line and Clevely Line Level Crossings prior to the closure of Railway Road.	46A. <del>Unless already closed by the Council, the Requiring Authority shall close the</del> Roberts Line and Clevely Line Level Crossings <u>must be closed</u> prior to the closure of Railway Road.	KiwiRail's proposed condition is necessary to ensure that there is an obligation to close the level crossing which will be KiwiRail's responsibility unless the crossing has already been closed by PNCC.
<b>Road Network Integration Plan</b>		
47. At least 12 months prior to submission of the first outline plan <del>of works</del> , the Requiring Authority <del>shall</del> <u>must</u> prepare a Road Network Integration Plan.	47. At least 12 months prior to submission of the first outline plan of works, the Requiring Authority <del>shall</del> <u>must</u> prepare a Road Network Integration Plan.	Agreed between PNCC and KiwiRail.

**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
<p>48. The objective of the Road Network Integration Plan is to ensure that the roading network for the Freight Hub is appropriately managed and safely and efficiently integrated with the wider transport network.</p>	<p>48. The objective of the Road Network Integration Plan is to ensure that the roading network for the Freight Hub is appropriately managed and safely and efficiently integrated with the wider transport network, <u>including any programmed road network improvements.</u></p>	<p>PNCC's proposed amendments are uncertain as it is unclear what is meant by "programmed" works. KiwiRail's proposed amendments clarify the objective of the Road Network Integration Plan.</p>
<p>49. The Requiring Authority <del>shall</del><u>must</u> consult and share information with Palmerston North City Council, Horizons Regional Council, <del>Manawatu</del><u>Manawatū</u> District Council and Waka Kotahi NZ Transport Agency in preparing the Road Network Integration Plan (and any updates).</p>	<p>49. The Requiring Authority <del>shall</del><u>must</u> consult and share information with Palmerston North City Council, Horizons Regional Council, <del>Manawatu</del><u>Manawatū</u> District Council <del>and</del>, Waka Kotahi NZ Transport Agency <u>and the Community Liaison Forum</u> in preparing the Road Network Integration Plan <del>(and any updates)</del>.</p>	<p>KiwiRail does not consider that it is appropriate for the Community Liaison Forum to be listed as the purpose of this condition is to recognise the road controlling authorities that need to be in the preparation of the plan as the content affects their networks. The Community Liaison Forum will be provided with a draft of the plan once prepared and have the opportunity to provide feedback through that forum.</p>
<p>50. The Road Network Integration Plan <del>shall</del><u>must</u> achieve the objective in <del>C</del><u>condition</u> 48 and <del>shall</del><u>must</u> include:</p> <p>(a) the timing for the closure of and/or the legal stopping of any relevant roads (or sections of roads, as the case may be), including <del>the relevant sections of</del> Railway Road, Clevely Line, Te Ngaio Road and Richardsons Line;</p> <p>(b) the location, timing, <del>form</del> and design of any changes and upgrades <del>required to</del> intersections and roads required for construction and operation of the Freight Hub <u>that are</u> to be delivered by the Requiring Authority including:</p> <p>(i) changes as a result of the closure and / or legal stopping of relevant roads set out in <del>C</del><u>condition</u> 50(a);</p> <p>(ii) the Perimeter Road, including a safe separated shared path of at least <u>2.53.0</u> metres between Railway Road south of Maple Street and the intersection at Roberts Line and Railway Road;</p> <p><del>(iii)</del> <u>(iii)</u> a new intersections at Roberts Line <del>and with</del> the <del>new</del> Perimeter Road;</p> <p><del>(iv)</del> <u>(iv)</u> an upgraded <del>new</del> intersection at Richardsons Line and Roberts Line <u>that includes access to the Freight Hub</u>;</p> <p><del>(v)</del> <u>(v)</u> two <del>accesses</del> via the Perimeter Road on the northern and western boundaries of the Freight Hub; <del>and</del></p> <p>(c) the location, timing, form and design of <u>any changes and upgrades to the following</u> property accesses <u>required to be delivered by the Requiring Authority as a result of the construction and operation of the Freight Hub</u>:</p> <p><del>(i)</del> <u>(i)</u> <del>422 and 422A Railway Road</del> (the legal descriptions being SEC 1480 BLK VII KAIRANGA SD and LOT 1 DP 74613);</p> <p><del>(ii)</del> <u>(ii)</u> <del>684 Roberts Line (the legal description being Lots 3 ad 4 DP 74613); and</del></p> <p><del>(iii)</del> <u>(iii)</u> <del>the three existing vehicle accesses to Foodstuffs North Island Limited site at 703 Roberts Line (the legal description being Lot 1 DP 384898);</del></p> <p><del>(d)</del> <u>(d)</u> <del>the timing, form and design of changes required to be delivered by the Requiring Authority and Palmerston North City -at the intersections of Kairanga Bunnythorpe Road with each of Railway Road and Campbell Road;</del></p> <p><del>(e)</del> <u>(e)</u> the timing for the closure of any level crossings;</p> <p><del>(f)</del> <u>(f)</u> the proposed speed limits for any new roads and changes to speed limits for existing roads;</p> <p><del>(g)</del> <u>(g)</u> the location and timing and form of any changes and upgrades to pedestrian walkways, cycleways and public transport facilities, including new or relocated bus stops;</p>	<p>50. The Road Network Integration Plan <del>shall</del><u>must</u> achieve the objective in <del>condition</del><u>Condition</u> 48 and <del>shall</del><u>must</u> include:</p> <p>(a) the timing for the closure of and/or the legal stopping of any relevant roads (or sections of roads, as the case may be), including the relevant sections of Railway Road, Clevely Line, Te Ngaio Road and Richardsons Line;</p> <p>(b) the location, timing, <del>form</del> and design of any changes and upgrades required <u>to</u> intersections and roads required for construction and operation of the Freight Hub to be delivered by the Requiring Authority including:</p> <p>(i) changes as a result of the closure and / or legal stopping of relevant roads set out in <del>condition</del><u>Condition</u> 50(a);</p> <p>(ii) the Perimeter Road, including a safe separated shared path of at least <u>2.53.0</u> metres between Railway Road south of Maple Street and the intersection at Roberts Line and Railway Road;</p> <p><del>(iii)</del> <u>(iii)</u> <del>a new intersections at Roberts Line and the new Perimeter Road;</del> a new intersection at <u>Roberts Line with the Perimeter Road</u>;</p> <p><del>(iv)</del> <u>(iv)</u> <del>upgrades to Roberts Line between the Perimeter Road and Kairanga Bunnythorpe Road;</del></p> <p><del>(v)</del> <u>(v)</u> <del>an upgraded intersection at Richardsons Line and Roberts Line;</del></p> <p><del>(vi)</del> <u>(vi)</u> <del>the three vehicle accesses to the Foodstuffs North Island Limited site at 703 Roberts Line, the legal description being Lot 1 DP 384898;</del></p> <p><del>(vii)</del> <u>(vii)</u> <del>two</del> <del>accesses</del> via the Perimeter Road on the northern and western boundaries of the Freight Hub; <del>and</del></p> <p><del>(viii)</del> <u>(viii)</u> <del>(c) the location, timing, form and design a new section of property accesses road to provide access to 422 and 422A Railway Road (and 684 Roberts Line, the legal descriptions being SEC 1480 BLK VII KAIRANGA SD and LOT 1 DP 74613); and LOTS 3 4 DP 74613)</del></p> <p><del>(ix)</del> <u>(d)</u> <del>Railway Road from Roberts Line to Airport Drive, including the side road intersections and accesses onto Railway Road;</del></p> <p><del>(x)</del> <u>(x)</u> <del>the intersections of Kairanga Bunnythorpe Road with each of Railway Road and Campbell Road and the interaction with the level crossing;</del></p> <p><del>(xi)</del> <u>(xi)</u> <del>the Maple Street intersection with Railway Road;</del></p> <p><del>(xii)</del> <u>(xii)</u> <del>Railway Road between Maple Street and Kairanga Bunnythorpe Road, with particular regard to the safety of the vehicle crossings;</del></p> <p><del>(xiii)</del> <u>(xiii)</u> <del>Campbell Road, between 38 Campbell Road and the intersection with Stoney Creek Road, with particular regard to the safety of the vehicle crossings;</del></p> <p><del>(xiv)</del> <u>(xiv)</u> <del>SH 54 / Waugh's Road; and</del></p> <p><del>(xv)</del> <u>(xv)</u> <del>Stoney Creek Road, including the intersections with Ashhurst Road and Kelvin Grove Road;</del></p> <p><del>(c)</del> <u>(c)</u> the timing for the closure of any level crossings;</p>	<p>KiwiRail does not agree with PNCC's inclusion of all of the upgrades listed in (b) as KiwiRail's sole responsibility.</p> <p>KiwiRail's proposed conditions appropriately build in the PNITI works in PNCC's as part of Condition (h) such that a specific sub-clause relate to the Regional Ring Road is unnecessary.</p> <p>KiwiRail does not consider that reference to vesting of roads is necessary as this will be addressed with as part of a separate process outside of this NoR.</p> <p>KiwiRail's proposed conditions make provision for feedback on the safe and efficient movement of freight in (i)ii so a separate sub clause requiring feedback on integration with the NEIZ to be recorded is unnecessary.</p>

**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
<p>(hg) the location and timing of confirmed and funded upgrades or additions to the wider transport network, <u>including works that are part of the Palmerston North Integrated Transport Improvement (PNITI) project</u> and the identification of potential alternative ways for that wider transport network <u>being delivered by the region's road controlling authorities</u> to integrate with any roading upgrades and connections required for construction and operation of the Freight Hub; and</p> <p>(ih) details of the feedback provided by Palmerston North City Council, Horizons Regional Council, Manawātū District Council and Waka Kotahi NZ Transport Agency and how this has been incorporated into the Road Network Integration Plan, including any feedback regarding:</p> <p>(i) the location and timing of a ring road and/or any bypasses of Bunnythorpe; and</p> <p>(ii) how these connections integrate with the roading network required for the construction and <u>the safe and efficient movement of freight as part of the</u> operation of the Freight Hub; <del>and</del></p> <p>(ij) the timing of reviews and frequency of updates to the Road Network Integration Plan, based on the matters outlined in this Condition 50.</p>	<p><del>(d)</del> <u>in the event of the ring road project being confirmed, the timing and arrangements of any changes to the connections of the Requiring Authorities designated road network to integrate with the ring road;</u></p> <p>(e) the proposed speed limits for any new roads and changes to speed limits for existing roads;</p> <p>(f) the location and timing and form of any changes and upgrades to pedestrian walkways, cycleways and public transport facilities, including new or relocated bus stops;</p> <p>(g) the location and timing of confirmed and funded upgrades or additions to the wider transport network and the identification of potential alternative ways for that wider transport network to integrate with any roading upgrades and connections required for construction and operation of the Freight Hub; <del>and</del></p> <p><del>(h)</del> <u>(h) the timing and arrangements for vesting of roads;</u></p> <p>(i) details of the feedback provided by Palmerston North City Council, Horizons Regional Council, <del>Manawatu</del><u>Manawātū</u> District Council <del>and</del>, Waka Kotahi NZ Transport Agency, <u>and the Community Liaison Forum</u> and how this has been incorporated into the Road Network Integration Plan, including any feedback regarding:</p> <p>(i) the location and timing of a ring road and/or any bypasses of Bunnythorpe, and</p> <p>(ii) <u>the safe and efficient movement of freight between the North East Industrial Zone and the Freight Hub and the wider road network, and</u></p> <p><del>(j)</del><u>(iii)</u> how these connections integrate with the roading network required for the construction and operation of the Freight Hub; and</p> <p>(ij) the timing of reviews and frequency of updates to the Road Network Integration Plan, based on the matters outlined in this <del>condition</del><u>Condition</u> 50.</p>	
<b>Roading connections and upgrades</b>		
<p>51. Unless alternative access to the Freight Hub is provided that no longer requires the Perimeter Road (or a relevant part of it) to be constructed, the Requiring Authority <del>shall</del><u>must</u>:</p> <p>(a) construct the Perimeter Road (or relevant part); and</p> <p><del>(b) surface it with an asphaltic mix road surface; and</del></p> <p><del>(bc) enable public use of the Perimeter Road ensure the road (or relevant part) is fully operational;</del></p> <p>prior to the closure of the relevant section of Railway Road.</p>	<p>51. Unless alternative access to the Freight Hub is provided that no longer requires the Perimeter Road (or a relevant part of it) to be constructed, the Requiring Authority <del>shall</del><u>must</u>:</p> <p>(a) construct the Perimeter Road (or relevant part); <del>and</del></p> <p><del>(b) ensure surface it with an asphaltic mix road surface;</del></p> <p><del>(c) connect it to the adjacent road network; and</del></p> <p><del>(d) and ensure the road (or relevant part) is open the Perimeter Road (or relevant part) is fully operational; to the public</del></p> <p>prior to the closure of the relevant section of Railway Road.</p>	<p>The requirement for the Perimeter Road to be connected to the adjacent network is express in the definition of that term in that it requires a new section of road to be provided between the existing roading network. KiwiRail agrees that reference to asphaltic mix road surface is appropriate. KiwiRail agrees there is a need for public access to be provided but considers that its proposed wording is more appropriate as "opening" a road has a specific meaning in the roading context.</p>
<p>52. Unless otherwise provided by other road controlling authorities, the upgrades listed in <del>C</del><u>e</u>condition 50<del>(eb)</del> <del>shall</del><u>must</u> be delivered by the Requiring Authority according to the timing outlined in the Road Network Integration Plan.</p>	<p>52. Unless otherwise provided by other road controlling authorities, the upgrades listed in <del>e</del><u>e</u>condition<del>Condition</del> 50<del>(e)</del> <del>shall</del><u>must</u> be delivered by the Requiring Authority according to the timing outlined in the Road Network Integration Plan.</p>	<p>Agreed as between KiwiRail and PNCC (50(b) not agreed).</p>
<p>52A. In order to inform the timing, design and form of the upgrades listed in <del>C</del><u>e</u>condition 50(b), the Requiring Authority <del>must shall</del> undertake traffic modelling and safety audits to demonstrate that the designs will:</p> <p>(a) achieve an intersection <del>level</del><u>Level</u> of <del>service</del><u>Service</u> D <del>or better (for sign-controlled intersections this is the Level of Service on the side road(s) approach(es))</del> or better, as modelled with SIDRA or similar; and</p> <p>(b) not result in any serious or significant safety concerns, in accordance with the New Zealand Transport Agency Road Safety Audit Procedures for Projects, Guidelines Interim Release May 2013.</p> <p><u>The Requiring Authority must provide copies of the traffic modeling and safety audits to the Palmerston North City Council.</u></p>	<p>52A. In order to inform the timing, design and form of the upgrades listed in <del>e</del><u>e</u>condition<del>Condition</del> 50(b), the Requiring Authority <del>shall</del><u>must</u> undertake traffic modelling and safety audits to demonstrate that the designs will:</p> <p>(a) achieve an intersection <del>level of service D or better; Level of Service D or better (for sign-controlled intersections this is the Level of Service on the side road(s) approach(es))</del>, as modelled with SIDRA or similar; and</p> <p>(b) not result in any serious or significant safety concerns, in accordance with the New Zealand Transport Agency Road Safety Audit Procedures for Projects, Guidelines Interim Release May 2013.</p> <p><u>(c) The traffic modelling and safety audits required by (a) must be undertaken prior to preparation of the Road Network Integration Plan.</u></p>	<p>As the conditions require the modelling to inform those upgrades that KiwiRail is required to undertake, the traffic modelling is required to prepare the Road Network Integration Plan. KiwiRail agrees to provide copies of this modelling to PNCC.</p>

**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
	<a href="#">The Requiring Authority must provide copies of the traffic modeling and safety audits to the Palmerston North City Council.</a>	
52B. The Requiring Authority <del>shall</del> <b>must</b> design and construct all new roads, intersections and vehicle crossings in accordance with the Palmerston North City Council's roading standards, or to such standards as otherwise agreed with Palmerston North City Council.	52B. The Requiring Authority <del>shall</del> <b>must</b> design and construct all new roads, intersections and vehicle crossings in accordance with the Palmerston North City Council's roading standards, or to such standards as otherwise agreed with Palmerston North City Council.	Agreed between KiwiRail and PNCC.
52C. The Requiring Authority <del>shall</del> <b>must</b> <del>establish design and construct</del> a safe connection across the North Island Main Trunk Line for cyclists and pedestrians at <del>a reasonably appropriate a</del> location south of <del>and as close as reasonably practicable to</del> , the Roberts Line and Railway Road intersection in consultation with the Palmerston North City Council. <del>The connection must be operational within 6 months after the relocation of the</del> North Island Main Trunk Line.	52C. <del>The</del> <del>_____</del> <del>Prior to Freight Hub operations commencing, the</del> Requiring Authority <del>shall</del> <b>must</b> establish a safe connection across the North Island Main Trunk Line for cyclists and pedestrians at a <del>reasonably appropriate</del> location south of <del>and as close as reasonably practicable to</del> the Roberts Line and Railway Road intersection, in consultation with the Palmerston North City Council.	Amendments largely agreed, except for the timing trigger. KiwiRail considers that it is appropriate for this connection to be operational within six months after the North Island Main Trunk Line is relocated.
<b>Landscape and Design</b>		
53. The Requiring Authority <del>shall</del> <b>must</b> prepare and submit a Landscape and Design Plan with the first outline plan to Palmerston North City Council. The Requiring Authority <del>shall</del> <b>must</b> implement the Landscape and Design Plan.	53. The Requiring Authority <del>shall</del> <b>must</b> prepare and submit a Landscape and Design <del>Plan</del> <b>Management</b> Plan with the first outline plan to Palmerston North City Council. The Requiring Authority <del>shall</del> <b>must</b> implement the Landscape and Design Plan.	KiwiRail proposes this be called a Landscape and Design Plan.
54. The objective of the Landscape and Design Plan is to <del>describe the measures to be incorporated into the Freight Hub design, ensure that the design of the Freight Hub to avoid, remedy or mitigate</del> potential adverse effects of the Freight Hub on landscape, visual amenity and natural character <del>in a way that ensures KiwiRail's operational requirements are met and the Freight Hub is appropriately integrated with the surrounding environment, including opportunities for enhancement.</del>	54. The objective of the Landscape and Design <del>Plan</del> <b>Management</b> Plan is to describe the measures to be incorporated into the Freight Hub design, to avoid, remedy or mitigate potential adverse effects of the Freight Hub on landscape <del>character</del> , visual amenity and natural character.	KiwiRail's proposed conditions clarify that a key part of the objective of the Landscape and Design Plan is to manage the edge effects of the Freight Hub and how it integrates with the surrounding environment, including opportunities for enhancement.
55. The Landscape and Design Plan <del>shall</del> <b>must</b> be prepared by a suitably qualified and experienced person <del>in consultation with other relevant qualified persons, as required.</del>	55. The Landscape and Design <del>Plan</del> <b>Management</b> Plan <del>shall</del> <b>must</b> be prepared by a suitably qualified and experienced person.	Agree to make condition clear that other qualified persons will be involved in the preparation of the landscape and design plan.
55A. The Requiring Authority <del>shall</del> <b>must</b> invite the <del>mana whenua and the</del> Community Liaison Forum <del>and mana whenua</del> to provide <del>input and</del> feedback on the development of the Landscape and Design Plan including participation in the development of design principles and outcomes <del>set out in Condition 56AA.</del>	55A. The Requiring Authority <del>shall</del> <b>must</b> invite the Community Liaison Forum and mana whenua to provide feedback on the development of the Landscape and Design <del>Plan including participation in the development of design principles and outcomes.</del> <b>Management</b> Plan.	KiwiRail considers that it is appropriate for there to be express reference to input on the design principles and outcomes.
56. The Landscape and Design Plan <del>shall</del> <b>must</b> achieve the objective in <del>condition</del> <b>Condition</b> 54 and <del>must</del> <b>shall</b> <del>include; provide for:</del> (a) <del>design principles and design outcomes that have informed the design of the Freight Hub, including:</del> i. <del>_____</del> KiwiRail's operational requirements and ii. <del>_____</del> any other plans required under the conditions of this Designation; <del>the relevant design principles from the North East Industrial Design Guide;</del> <b>56AA. The Landscape and Design Plan must incorporate design principles and outcomes reflecting:</b> iii. <del>_____</del> mana whenua values; iv. <del>_____</del> a context specific landscape approach to appropriately integrate the Freight Hub with its immediate and wider landscape setting; v. <del>_____</del> community identify and place; vi. <del>_____</del> walking and cycling connectivity; and vii. <del>_____</del> cultural or historic values; <del>and</del> <del>_____</del> mana whenua values. <b>56AB. (b) The Landscape and Design Plan must include:</b> (a) the location and types of proposed landscape and visual amenity plantings (including plant size, numbers and spacing), including planting of	56. The Landscape and Design <del>Plan</del> <b>Management</b> Plan <del>shall</del> <b>must</b> achieve the objective in <del>condition</del> <b>Condition</b> 54 and shall include: (a) <del>how the landscape design implements the design principles and design outcomes that have informed</del> <del>achieves</del> the design <del>of the Freight Hub,</del> including: v. <del>_____</del> KiwiRail's operational requirements and any other plans required under the conditions of this Designation; (a) <del>outcomes in the relevant design principles from the North East Industrial Design Guide; Framework;</del> vi. <del>_____</del> a context specific landscape approach to appropriately integrate the Freight Hub with its immediate and wider landscape setting; vii. <del>_____</del> community identify and place; viii. <del>_____</del> cultural or historic values; and ix. <del>_____</del> mana whenua values. (b) <del>(b)</del> the location and types of proposed landscape and visual amenity plantings (including plant size, numbers and spacing), including planting of stormwater detention ponds, stream and riparian margins, cut faces, <del>and fill batters, and show how these plantings and any other appropriate;</del>	KiwiRail does not agree with the inclusion of a Design Framework. KiwiRail's proposed conditions have been amended to clearly articulate the need to ensure the design meets the operational requirements and conditions, and that this is separate from the design principles and outcomes the community can have input on.  KiwiRail does not otherwise agree to detailed amendment regarding planting timing, seeds, etc.

Appendix B – KiwiRail and PNCC final conditions

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
<p>stormwater detention ponds, stream and riparian margins, cut faces, fill batters, and</p> <p><del>(b) show</del> how these plantings <u>in Condition 56AB(a)</u> and any other <u>appropriate</u> design measures (including but not limited to the final form, finish and articulation of the proposed buildings, <u>Noise Mitigation Structures</u> and batter heights and slopes):</p> <ol style="list-style-type: none"> <li>i. integrate the built forms including roof lines and walls of the Freight Hub and the related earthworks into the surrounding environment;</li> <li>ii. mitigate <u>adverse</u> visual amenity effects <del>in relation to on affected</del> residential properties;</li> <li>iii. contribute to the open watercourse and stormwater ponds appearing as natural features and enhancing local biodiversity;</li> <li>iv. comply with the Electricity (Hazards from Trees) Regulations 2003, including at full maturity; and</li> <li>v. comply with any regional consents.</li> </ol> <p>(c) how the proposed planting <del>would will</del> enhance natural character of <u>waterbodies</u>, including the Mangaone Stream surrounds and restore indigenous biodiversity <del>in consultation with a suitable qualified and experienced ecologist</del>;</p> <p>(d) how sites of cultural and historical significance <del>(if identified through any engagement undertaken in accordance with conditions 28 and 33)</del> will be recognised;</p> <p>(e) how any roads and walkways within the designation extent integrate into the character of the surrounding area and connect to paths and cycleways outside the designation and include opportunities for outlook(s) over the Freight Hub;</p> <p>(f) In relation to proposed Noise Mitigation Structures:</p> <ol style="list-style-type: none"> <li>(i) the location of the Noise Mitigation Structures as outlined in the Operational Noise and Vibration Plan; <del>and</del></li> <li>(ii) the final form, finish, and planting of these Structures along Sangsters Road and Maple Street, including design treatment of vertical noise barriers, and landscaping of bunds (where planted to have a minimum depth of 5 m on the external face of <del>the</del> those bunds);</li> <li>(iii) details of how the Noise Mitigation Structures have been designed where practicable to avoid, remedy or mitigate their adverse effects on landscape character and visual amenity; and</li> <li>(iv) details on how any changes to the existing drainage patterns, runoff characteristics and stormwater resulting from Noise Mitigation Structures will avoid adverse effects on the foundations of any National Grid support structure.</li> </ol> <p>(g) how the lighting effects on the landscape and visual amenity are minimised;</p> <p>(h) the proposed timing for establishing any landscape or visual amenity planting, including <del>methods</del> to maximise mitigation planting coverage prior to construction of the main buildings and/or operation of the Freight Hub where practicable; and</p> <p>(i) the process and programme for maintaining any landscape or visual amenity planting <u>and fencing including plant and animal pest management</u>.</p>	<p><del>(b)(c)</del> <u>a description of</u> design measures (including but not limited to the final form, finish and articulation of the proposed buildings, <u>Noise Mitigation Structures</u> and batter heights and slopes);</p> <p><u>(d)</u> <u>a description of how the plantings in (b) and other design measures in (c):</u></p> <ol style="list-style-type: none"> <li>(i) integrate the built forms including roof lines and walls of the Freight Hub and the related earthworks into the surrounding environment;</li> <li>(ii) mitigate visual amenity effects in relation to residential properties;</li> <li>(iii) contribute to the open watercourse and stormwater ponds appearing as natural features and enhancing local biodiversity;</li> <li>(iv) comply with the Electricity (Hazards from Trees) Regulations 2003, including at full maturity; and</li> <li>(v) comply with any regional consents.</li> </ol> <p><u>(e)</u> <del>(e)</del> <u>how the proposed planting would will:</u></p> <ol style="list-style-type: none"> <li><u>(i)</u> <u>mitigate adverse effects on, and/or enhance, the natural character of waterbodies</u>, including the Mangaone Stream surrounds <del>and</del>;</li> <li><del>(i)(ii)</del> <u>restore indigenous biodiversity in consultation with a suitably qualified and experienced ecologist</u>;</li> <li><u>(iii)</u> <u>(where practicable, use eco-sourced seeds and plants sourced from the rohe (in consultation with mana whenua))</u>;</li> </ol> <p><u>(f)</u> how sites of cultural and historical significance (if identified through <u>any</u> engagement undertaken in accordance with conditions <u>2830</u> and <u>332A</u>) will be recognised <u>and provided for</u>;</p> <p><u>(eg)</u> how any roads and walkways within the designation extent integrate into the character of the surrounding area and connect to paths and cycleways outside the designation and <u>include provide</u> opportunities for outlook(s) over the Freight Hub;</p> <p><u>(fh)</u> In relation to proposed Noise Mitigation Structures:</p> <ol style="list-style-type: none"> <li>(i) <del>(i)</del> <u>the location of the Noise Mitigation Structures as outlined in the Operational Noise and Vibration Plan; and</u></li> <li><u>(ii)</u> <del>(ii)</del> <u>the final form, finish, and planting of these Structures along Sangsters Road and Maple Street</u>, including design treatment of vertical noise barriers, and landscaping of bunds <del>(where planted to</del>;</li> <li><del>(ii)(iii)</del> <u>noise mitigation walls shall</u> have a minimum <u>planted</u> depth of 5 m on the external face of the <del>those bunds</del> <u>walls</u>;</li> <li><del>(iii)(iv)</del> <u>(iii)</u> <del>(iii)</del> <u>details of how the Noise Mitigation Structures have been designed where practicable to avoid, remedy or mitigate their adverse effects on landscape character and visual amenity; (including through consultation with the community and mana whenua)</u>; and</li> <li><del>(iv)(v)</del> <u>(iv)</u> <del>(iv)</del> <u>details on how any changes to the existing drainage patterns, runoff characteristics and stormwater resulting from Noise Mitigation Structures will avoid adverse effects on the foundations of any National Grid support structure.</u></li> </ol> <p><u>(gi)</u> how the lighting effects on the landscape and visual amenity are minimised;</p> <p><u>(hj)</u> the proposed timing <u>and planting methods (including ground preparation, mulching and any trials)</u> for establishing any landscape or visual amenity planting, <u>including with all new planting to maximise mitigation planting coverage prior to be commenced in the first planting season following the completion of each stage or discretion location of construction of the main buildings and/or operation of the Freight Hub where practicable; and works</u>;</p> <p><u>(i)</u> <u>(k) the growing conditions required to ensure the successful establishment, growth and on-going viability of planting;</u></p>	

**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
	<p>(l) the process and programme for maintaining any landscape or visual amenity planting <u>and fencing to a high standard at all times (including, but not limited to, plant and animal pest management, removal of litter and vandalism, maintenance of plants to ensure clear pathways and sightlines, and replacement of dead plants).</u></p>	
<p>56A. Planting within the designation must be designed to achieve:</p> <ul style="list-style-type: none"> <li>(a) at least an 80% canopy cover within five years of being planted;</li> <li>(b) at least 50% of tall tree species reach a height of 5 meters within five years of being planted; and</li> <li>(c) a minimum depth of planting along the following roads: <ul style="list-style-type: none"> <li>(i) 20 metres along the majority extent of Sangsters Road, excluding the tie in area at Roberts Line; and</li> <li>(ii) 30 metres the Perimeter Road excluding the tie in with Roberts Line (new intersection).</li> </ul> </li> </ul>	<p>56A. Planting within the designation must be designed to achieve:</p> <ul style="list-style-type: none"> <li>(a) at least an 80% canopy cover within five years of being planted;</li> <li>(b) at least 50% of tall tree species reach a height of 5 meters within five years of being planted; and</li> <li>(c) a minimum depth of planting along the following roads: <ul style="list-style-type: none"> <li>(i) 20 metres along the <del>majority</del> extent of Sangsters Road, excluding the tie in area at Roberts Line <u>with this area having a minimum depth of planting of 17m;</u> and</li> <li>(ii) 30 metres <u>along</u> the Perimeter Road excluding the tie in with Roberts Line (new intersection) <u>with this area having a minimum depth of planting of 15m.</u></li> </ul> </li> </ul>	<p>KiwiRail does not consider the reduced minimum depths are necessary. Condition 56A(f) also requires a minimum depth of 5m.</p>
<p>56B. All buildings within the Freight Hub <del>shall</del><u>must</u> be designed and constructed to avoid potential roof glare to the south and particularly to the Palmerston North Airport Control Tower.</p>	<p>56B. All buildings within the Freight Hub <del>shall</del><u>must</u> be designed and constructed to avoid potential roof glare to the south and particularly to the Palmerston North Airport Control Tower.</p>	<p>Agreed between KiwiRail and PNCC.</p>
<u>Construction Management Plan</u>		
<p>57. <u>At least 6 months prior to the Works commencing,</u> <del>the</del> Requiring Authority <del>shall</del><u>must</u> prepare a Construction Management Plan and implement the plan for the duration of the Works.</p>	<p>57. The Requiring Authority <del>shall</del><u>must</u> prepare a Construction Management Plan and implement the plan for the duration of the Works.</p>	<p>KiwiRail's condition includes a timeframe for preparation consistent with other construction management plans.</p>
<p>58. The objective of the Construction Management Plan is to <u>ensure that management procedures and construction methods are adopted to describe measures to</u> avoid, remedy or mitigate adverse effects of the construction of the Freight Hub.</p>	<p>58. The objective of the Construction Management Plan is to describe measures to avoid, remedy or mitigate adverse effects of the construction of the Freight Hub.</p>	<p>KiwiRail's amendment is appropriate to clarify the objective of the management plan.</p>
<p>59. The Construction Management Plan <u>must achieve the objective in Condition 58 and shall</u> include:</p> <ul style="list-style-type: none"> <li>(a) a construction programme, including identifying key stages <del>of the Works (including the delivery of parts of the stormwater system),</del> and any seasonal timings for works;</li> <li>(b) a detailed site layout;</li> <li>(c) the design and management specifications for all earthworks on-site, including disposal sites and their location and dust management;</li> <li>(d) measures to ensure that the Works <del>and structures (including mobile plant and machinery)</del> are designed and undertaken to comply with the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001);</li> <li>(e) the design of temporary lighting for the Works and construction support areas <u>in accordance with the Construction Lighting Management Plan;</u></li> <li>(f) details on the timing of the installation of screening and planting and opportunities where this can be undertaken prior to works commencing;</li> <li>(g) the approach to the management of construction waste;</li> <li>(h) measures to avoid or minimise disturbance to burials being undertaken at Bunnythorpe cemetery during construction;</li> <li>(i) the accidental discovery protocol adopted by the Requiring Authority;</li> <li>(j) a description of training requirements for all site personnel (including employees, subcontractors and visitors) including details of briefings for employees and subcontractors about the accidental discovery protocol adopted by the Requiring Authority;</li> <li>(k) environmental incident and emergency management procedures; and</li> </ul>	<p>59. The Construction Management Plan <u>must achieve the objective in Condition 58 and shall</u> include:</p> <ul style="list-style-type: none"> <li>(a) a construction programme, including identifying key stages, and any seasonal timings for works;</li> <li>(b) a detailed site layout;</li> <li>(c) the design and management specifications for all earthworks on-site, including disposal sites and their location <del>and dust management, and the Construction Dust Management Plan required by Conditions 59H – 59K;</del></li> <li>(d) measures to ensure that the Works and structures are designed and undertaken to comply with the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001);</li> <li>(e) the design of temporary lighting for the Works and construction support areas;</li> <li>(f) details on the timing of the installation of screening and planting and opportunities where this can be undertaken prior to works commencing;</li> <li>(g) the approach to the management of construction waste;</li> <li>(h) measures to avoid or minimise disturbance to burials being undertaken at Bunnythorpe cemetery during construction;</li> <li>(i) the accidental discovery protocol adopted by the Requiring Authority;</li> <li>(j) a description of training requirements for all site personnel (including employees, subcontractors and visitors) including details of briefings for employees and subcontractors about the accidental discovery protocol adopted by the Requiring Authority;</li> <li>(k) environmental incident and emergency management procedures; and</li> </ul>	<p>KiwiRail's proposed amendment to condition 59(d) is appropriate to address the matters raised in PowerCo's submission.</p> <p>KiwiRail does not agree with PNCC's amendment to condition 59(c) for the reasons outlined elsewhere and in KiwiRail's evidence and legal submissions. KiwiRail considers that a cross reference to the Construction Lighting Management Plan is appropriate.</p>



**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
(l) contact numbers for key construction staff, and staff responsible for any monitoring requirements.	(l) contact numbers for key construction staff, and staff responsible for any monitoring requirements.	
<a href="#">Dust Management</a>		
	<p><a href="#">Performance Criteria: Management of dust effects during Construction and Operation of the Freight Hub</a></p> <p><a href="#">59A. The Requiring Authority must ensure that there is no noxious, dangerous, objectionable or offensive dust to the extent that it causes an adverse effect at or beyond the boundary of the Designation.</a></p>	<p>KiwiRail does not consider that these conditions are required. Dust generated from operational activities within the Freight Hub is addressed in the Operational Dust Management Plan. Other discharges are either permitted under the One Plan or would require regional resource consent.</p>
	<p><a href="#">Planning Construction Activities</a></p> <p><a href="#">59B. The Requiring Authority must assess weather and ground conditions (wind and dryness) at the start of each day when construction Works are scheduled. The Requiring Authority must ensure that applicable dust mitigation measures and methods are ready for use prior to commencing Works for the day.</a></p>	
	<p><a href="#">Monitoring and adaptation</a></p> <p><a href="#">59C. For the purposes of Conditions [59D, 59E and 59F], the following maximum monitoring trigger levels shall apply to all works authorised by the Designation:</a></p> <p><a href="#">(a) Ten-minute rolling PM<sub>10</sub> concentration of 150 micrograms per cubic metre (1-hour average).</a></p> <p><a href="#">(a)(b) The wind direction (10-minute average) places dust generating construction activities directly upwind of sensitive receivers when the wind speed exceeds 7 m/s.</a></p>	
	<p><a href="#">59D. Wind monitoring</a></p> <p><a href="#">(a) The Requiring Authority must install and operate, for the duration of construction and operation of the Freight Hub, a meteorological monitoring station, with instruments capable of continuously monitoring metrological conditions for the site. The instruments must:</a></p> <p><a href="#">(i) be installed prior to commencing construction Works;</a></p> <p><a href="#">(ii) be capable of continuous measurement and real time logging and reporting of wind strength, wind direction, air temperature and rainfall;</a></p> <p><a href="#">(iii) provide an alarm to site staff (for example via mobile phone) if the ten-minute rolling average wind speed trigger level in Condition [59C(b)] is exceeded;</a></p> <p><a href="#">(iv) be installed on a mast such that their height is at least five metres above ground level and in accordance with AS 2923 – 1987 Ambient Air Guide for Measurement of Horizontal Wind for Air Quality Applications;</a></p> <p><a href="#">(v) be maintained in accordance with the manufacturer's specifications.</a></p> <p><a href="#">(b) All measured data shall be:</a></p> <p><a href="#">(i) recorded using an electronic data logging system and retained for the duration of the activities authorised by the Designation;</a></p> <p><a href="#">(ii) provided to the Palmerston North City Council upon request.</a></p>	
	<p><a href="#">Construction Dust Monitoring</a></p> <p><a href="#">59E. Prior to the commencement of Works, the Requiring Authority must install and operate instruments to measure particulate matter as PM<sub>10</sub> and PM<sub>2.5</sub> on, or near to, at least two Designation boundary locations including:</a></p> <p><a href="#">(a) the north-western boundary; and</a></p> <p><a href="#">(b) the eastern boundary.</a></p> <p><a href="#">Advice note:</a></p>	

**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
	<p><u>The intent of the monitoring locations is to align with the prevailing winds that are from the north-northeast quadrant and the south-southeast quadrant, such that the monitoring can provide corresponding upwind and downwind data for the construction works. The location of the monitoring stations along the north-western and eastern boundaries may need to be changed over time, i.e. to take into account the significance of the works and relative separation of the works to potentially impacted dwellings. Depending on the extent of the works at any particular stage of construction, additional monitors may need to be installed to achieve coverage and fulfil the intent of the condition.</u></p>	
	<p><u>Particulate matter monitoring</u>            59F. <u>All particulate matter monitors required under Conditions [59E] must be:</u>            (a) <u>of a type that are suitable for dust management by measuring PM<sub>10</sub> and PM<sub>2.5</sub>, but need not meet the standard for compliance monitoring under the National Environmental Standards for Air Quality Regulations (2004);</u>            (b) <u>calibrated and maintained in accordance with the manufacturer's specifications;</u>            (c) <u>capable of providing real-time information to provide email and/or text alerts if exceedances of the monitoring trigger value in Condition [59C] occur.</u></p>	
	<p><u>Construction Dust Management Plan</u>            59G. <u>The Requiring Authority must prepare a Construction Dust Management Plan and implement the plan for the duration of construction Works.</u></p>	
	<p>59H. <u>The objective of the Construction Dust Management Plan is to detail measures for avoiding, remedying or mitigating the adverse effects of dust from construction works.</u></p>	
	<p>59I. <u>The Construction Dust Management Plan must be prepared by a suitably qualified and experienced person.</u></p>	
	<p>59J. <u>The Construction Dust Management Plan must achieve the objective in Condition [59H] and shall include:</u>            (a) <u>A description of the activities and sources with the potential to generate dust on site;</u>            (b) <u>A description of the potential effects of the dust discharges;</u>            (c) <u>A description of the receiving environment and identification of sensitive receivers within 150 metres of the site boundaries;</u>            (d) <u>Procedures, processes and methods for managing dust, including for when personnel are not on site;</u>            (e) <u>Identification of triggers and contingency measures to address identified and verified adverse effects on sensitive receptors. Contingency measures may include options such as:</u>                (i) <u>cleaning of water tanks and replenishment of water supplies,</u>                (ii) <u>cleaning of houses,</u>                (iii) <u>cleaning of other buildings and infrastructure,</u>                (iv) <u>cleaning of local roads (in agreement with PNCC's Chief Engineer);</u>            (f) <u>A description of the particulate matter monitoring programme and monitoring equipment;</u>            (g) <u>A dust monitoring plan including:</u>                (i) <u>Equipment selection and siting requirements;</u>                (ii) <u>A maintenance and calibration schedule for meteorological and particulate matter monitoring instruments, and data management procedures;</u>                (iii) <u>Methods for undertaking visual monitoring assessments of dust emissions;</u></p>	

**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
	<p>(h) <a href="#">Procedures for training of personnel and contractors to make them aware of the requirements of the Construction Dust Management Plan;</a></p> <p>(i) <a href="#">Monitoring triggers and procedures for responding to particulate matter monitoring and wind speed triggers;</a></p> <p>(j) <a href="#">The process for recording complaints and providing feedback to the complainant on how issues raised in complaints have been addressed;</a></p> <p>(k) <a href="#">The roles and responsibilities of personnel responsible for implementing and reviewing the Construction Dust Management Plan.</a></p> <p><b>Advice Note:</b> Any Construction Dust Management Plan that is approved or certified by the Manawatu-Whanganui Regional Council for any regional resource consent required for the works shall be deemed to meet the requirements of this condition.</p>	
	<p>59K. <a href="#">Remediation of air quality incidents</a> If a complaint related to off-site effects of dust is received and verified, the Requiring Authority must investigate dust deposition at the applicable property and determine the appropriate remedial action(s), for example, providing cleaning services.</p>	
<p><u>Construction Lighting Management Plan</u></p>	<p><u>Construction Lighting</u></p>	
<p>59L. <a href="#">All lighting required for the Freight Hub construction Works must comply with AS/NZS 4282:2019 – Control of the obtrusive effects of outdoor lighting, Zone A2 limits.</a></p>	<p>59L. <a href="#">All lighting required for the Freight Hub construction Works must comply with AS/NZS 4282:2019 – Control of the obtrusive effects of outdoor lighting, Zone A2 limits.</a></p>	<p>Agreed between PNCC and KiwiRail.</p>
<p>59M. <a href="#">At least 6 months prior to the Works commencing, the Requiring Authority must prepare a Construction Lighting Management Plan and implement the plan for the duration of the Works.</a></p>	<p>59M. <a href="#">At least six months prior to the Works commencing, the Requiring Authority must prepare a Construction Lighting Management Plan, and implement the plan for the duration of the Works.</a></p>	<p>Agreed between PNCC and KiwiRail.</p>
<p>59N. <a href="#">The Construction Lighting Management Plan must be prepared by a suitably qualified and experienced person.</a></p>	<p>59N. <a href="#">The Construction Lighting Management Plan must be prepared by a suitably qualified and experienced person.</a></p>	<p>Agreed between PNCC and KiwiRail.</p>
<p>59O. <a href="#">The objective of the Construction Lighting Management Plan is to demonstrate compliance with AS/NZS 4282:2019 Control of the obtrusive effects of outdoor lighting, Zone A2 Limits, between 11:00pm and 6.00am during the Works.</a></p>	<p>59O. <a href="#">The objective of the Construction Lighting Management Plan is to demonstrate how compliance with the AS/NZS 4282:2019 – Control of the obtrusive effects of outdoor lighting, Zone A2 limits will be achieved during construction Works.</a></p>	<p>Minor differences in wording.</p>
<p>59P. <a href="#">The Construction Lighting Management Plan must specify the measures to:</a></p> <p>(a) <a href="#">minimise construction vehicle headlight sweep on adjacent dwellings identified in this plan;</a></p> <p>(b) <a href="#">minimise as far as practicable light spill and glare from construction lighting on adjacent dwellings identified in this plan dwellings; and</a></p> <p>(c) <a href="#">minimise as far as practicable light spill and glare from construction lighting to the Palmerston North Airport Control Tower.</a></p>	<p>59P. <a href="#">The Construction Lighting Management Plan must specify measures to:</a></p> <p>(a) <a href="#">minimise construction vehicle headlight sweep on nearby dwellings, and</a></p> <p>(b) <a href="#">minimise light spill and glare to nearby dwellings from security lighting and working lights.</a></p>	<p>KiwiRail's proposed conditions clarify that the measures are to manage effects on adjacent dwellings as those most likely to be affected and a new sub-clause included to manage effects on the Palmerston North Airport.</p>
<p><u>Network utilities</u></p>		
<p>60. Prior to any land disturbing works, the Requiring Authority <del>shall</del><b>must</b>:</p> <p>(a) identify the location of existing overhead or underground network utilities <a href="http://www.beforeudig.co.nz"> (www.beforeudig.co.nz)</a>;</p> <p>(b) identify these utilities relevant in any construction plans and place appropriate physical indicators on the ground showing specific surveyed locations <a href="#">or other marker for overhead lines</a>; and</p> <p>(c) provide the information of the network utilities identified under Condition 60(a) and (b) <a href="#">and information on any restrictions in place in relation to those existing network utilities</a> to all construction personnel, including contractors.</p>	<p>60. Prior to any land disturbing works, the Requiring Authority <del>shall</del><b>must</b>:</p> <p>(a) identify the location of existing overhead or underground network utilities <del>(-);</del> <a href="#">including by engaging directly with utility owners and consulting with third party asset data providers e.g. B4UDIG (www.beforeudig.co.nz)</a>;</p> <p>(b) identify these utilities relevant in any construction plans and place appropriate physical indicators on the ground showing specific surveyed locations; and</p> <p>(c) provide the information of the network utilities identified under Condition 60(a) and (b) to all construction personnel, including contractors.</p>	<p>Engagement and consultation with data providers would be necessary to identify the utilities so PNCC's amendments is unnecessary. Amendment in (b) to reflect conditions agreed with Transpower and amendment to (c) is proposed in response to PowerCo's submission.</p>
<p>60A. Prior to any land disturbing works within 21m of the centreline of the National Grid line support structure, the Requiring Authority <del>shall</del><b>must</b> obtain an electrical clearance report from a suitably qualified electrical engineer demonstrating compliance with the minimum safe distance requirements of the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001).</p>	<p>60A. Prior to any land disturbing works within 21m of the centreline of the National Grid line support structure, the Requiring Authority <del>shall</del><b>must</b> obtain an electrical clearance report from a suitably qualified electrical engineer demonstrating compliance with the minimum safe distance requirements of the New Zealand Code of Practice for Electrical Safe Distances (NZECP 34:2001).</p>	<p>Agreed between PNCC and KiwiRail.</p>

**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
60B. The Requiring Authority <del>shall</del> <b>must</b> provide the electrical clearance report to Transpower New Zealand Limited for review, with the Requiring Authority recording any feedback provided and how it has been addressed to ensure compliance (NZECP 34:2001).	60B. The Requiring Authority <del>shall</del> <b>must</b> provide the electrical clearance report to Transpower New Zealand Limited for review, with the Requiring Authority recording any feedback provided and how it has been addressed to ensure compliance (NZECP 34:2001).	Agreed between KiwiRail and PNCC.
60C. At least 20 working days prior to the commencement of the Works, the Requiring Authority <del>shall</del> <b>must</b> provide Transpower New Zealand Limited with details of the likely Works and programme in relation to works within 21m of the centreline of the National Grid line support structure, and provide relevant updates to Transpower New Zealand Limited in relation to those works.	60C. At least 20 working days prior to the commencement of the Works, the Requiring Authority <del>shall</del> <b>must</b> provide Transpower New Zealand Limited with details of the likely Works and programme in relation to works within 21m of the centreline of the National Grid line support structure, and provide relevant updates to Transpower New Zealand Limited in relation to those works.	Agreed between KiwiRail and PNCC.
60D. The Requiring Authority <del>shall</del> <b>must</b> ensure that any proposed services, pipes or fences within 12m of the National Grid support structure are made of non-conductive material or alternative method of mitigating potential earth rise and ensuring electrical safety.	60D. The Requiring Authority <del>shall</del> <b>must</b> ensure that any proposed services, pipes or fences within 12m of the National Grid support structure are made of non-conductive material or alternative method of mitigating potential earth rise and ensuring electrical safety.	Agreed between KiwiRail and PNCC.
60E. The Requiring Authority <del>shall</del> <b>must</b> ensure the continuity of <a href="#">existing PowerCo owned services and existing Palmerston North City Council owned three water services</a> and, where necessary, <a href="#">provide for</a> the efficient relocation within the Designation Extent <del>of Palmerston North City Council owned three waters of any of their-</del> infrastructure affected by the Works or operation of the Freight Hub <a href="#">to a location where maintenance access can be safely provided</a> .	60E. <a href="#">(a)</a> The Requiring Authority <del>shall</del> <b>must</b> ensure the continuity of service and, where necessary, the efficient relocation within the Designation Extent of Palmerston North City Council owned three waters infrastructure affected by the Works or operation of the Freight Hub. <a href="#">(b)</a> <a href="#">The Requiring Authority must ensure that the designation will not impede the planned expansion of the PNCC water bore facility located at 696 Roberts Line (SECS 1 4 SO S36786).</a>	KiwiRail's conditions proposed to address matters raised in PowerCo's submission. KiwiRail does not agree with PNCC's condition regarding the bore expansion. It is unenforceable and unlawful as a condition on the designation.
<u>Construction Traffic Management Plan</u>		
61. At least <del>three</del> <b>six</b> months prior to the -Works commencing, the Requiring Authority <del>shall</del> <b>must</b> prepare a Construction Traffic Management Plan, and implement the plan for the duration of the Works.	61. At least <del>three</del> <b>six</b> months prior to the -Works commencing the Requiring Authority <del>shall</del> <b>must</b> prepare a Construction Traffic Management Plan, and implement the plan for the duration of the Works.	Agreed between KiwiRail and PNCC.
62. The objective of the Construction Traffic Management Plan is to outline the methods that will be undertaken to avoid, remedy or mitigate adverse effects from traffic associated with the Works on property access, road user safety and efficiency of traffic movements.	62. The objective of the Construction Traffic Management Plan is to outline the methods that will be undertaken to avoid, remedy or mitigate adverse effects from traffic associated with the Works on property access, road user safety and efficiency of traffic movements.	KiwiRail's amendments proposed to clarify the objective of the management plan.
63. The Construction Traffic Management Plan <del>shall</del> <b>must</b> be prepared by a suitably qualified and experienced person.	63. The Construction Traffic Management Plan <del>shall</del> <b>must</b> be prepared by a suitably qualified and experienced person.	Agreed between KiwiRail and PNCC.
64. At least 20 working days prior to the Construction Traffic Management Plan being submitted to Palmerston North City Council for certification <del>under condition 5</del> , the Requiring Authority <del>shall</del> <b>must</b> provide a draft of the Construction Traffic Management Plan to Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council, <del>Manawatu</del> <b>Manawatu</b> District Council for feedback.	64. At least 20 working days prior to the Construction Traffic Management Plan being submitted to Palmerston North City Council for certification under <del>condition</del> <b>Condition 5</b> , the Requiring Authority <del>shall</del> <b>must</b> provide a draft of the Construction Traffic Management Plan to Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council, Manawatu District Council for feedback.	Agreed between KiwiRail and PNCC.
65. The Construction Traffic Management Plan <del>shall</del> <b>must</b> achieve the objective in Condition 62 and <del>shall</del> <b>must</b> : (a) identify the numbers, frequencies, and timing of traffic movements for each phase of the construction programme in the Construction Management Plan, including any limitations on heavy vehicle movements through key areas (including local roads) during night and peak times, as required either in relation to traffic conditions or to mitigate potential noise and vibration effects; (b) identify safe site access routes, site access arrangements, and <a href="#">site</a> access points for construction traffic, including heavy vehicles involved in constructing the Freight Hub in a manner consistent with Waka Kotahi NZ Transport Agency's Code of Practice for Temporary Traffic Management; (c) <a href="#">with reference to relevant Austroads Guidelines (or similar New Zealand Standards)</a> , identify any upgrades that are needed <a href="#">on the basis of departures from those standards, and the timing of upgrade works that the</a>	65. The Construction Traffic Management Plan <del>shall</del> <b>must</b> achieve the objective in Condition 62 and shall: (a) identify the numbers, frequencies, and timing of traffic movements for each phase of the construction programme in the Construction Management Plan, including any limitations on heavy vehicle movements through key areas (including local roads) during night and peak times, as required either in relation to traffic conditions or to mitigate potential noise and vibration effects; (b) identify safe site access routes, site access arrangements, and access points for construction traffic, including heavy vehicles involved in constructing the Freight Hub in a manner consistent with Waka Kotahi NZ Transport Agency's Code of Practice for Temporary Traffic Management; (c) <a href="#">with reference to Austroads Guidelines (or similar New Zealand Standards)</a> , identify any upgrades that are needed <a href="#">on the basis of departures from those standards, and the timing of upgrade works that the Requiring Authority must</a>	In addition to KiwiRail's proposed amendments: (f) has been amended to more appropriately reflect the noise management measures that will be used. (i) is no longer required as a separate condition as (g) adequately addresses private property accesses.  KiwiRail does not agree to the inclusion of (l).

Appendix B – KiwiRail and PNCC final conditions

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
<p><a href="#">Requiring Authority must undertake</a>, to ensure safe <a href="#">and fit for purpose</a> site access routes and access points, including <a href="#">for</a> possible night-time movement of construction vehicles;</p> <p>(d) outline <del>methods to manage local and network wide effects of construction, including</del> temporary traffic management measures, such as traffic detours (including for public transport, walking and cycling, school bus routes, and infrastructure) and temporary speed limits;</p> <p>(e) describe measures to maintain safe pedestrian and cyclist movements in the vicinity of the site, including measures to ensure that any shared paths delivered by <a href="#">PNCC Palmerston North City Council</a> and Te Araroa Trail between Palmerston North and Feilding are open to the public for use at all times (including any diversions) during construction of the Freight Hub;</p> <p>(f) <a href="#">outline measures to manage noise from construction traffic including any restrictions on routes, timing and engine braking</a><del>include the construction vehicle noise limits and any requirements for effective noise suppression;</del></p> <p>(g) <del>identify the properties affected and</del> detail measures to <a href="#">provide-ensure</a> vehicle access to private properties <del>is maintained on Roberts Line, where current access is affected by construction,</del> including ensuring that access to <a href="#">the Foodstuffs North Island Limited site at 703 Roberts Line (the legal description being Lot 1 DP 384898)</a><del>the northern end of Richardsons Line at Roberts Line</del> is able to be provided for heavy vehicles at all times;</p> <p>(h) identify opportunities to use the rail network to minimise effects on the roading network where practicable;</p> <p><del>(i) provide details for any new permanent accesses to be formed at the earliest practical opportunity to limit the adverse effects of construction and severance, including safe and practical access to 422 and 422A Railway Road (SEC 1480 BLK VII KAIRANGA SD and LOT 1 DP 74613)</del></p> <p>(j) provide measures for the management of fine material loads (e.g. covers) and the timely removal of any material deposited or spilled on public roads;</p> <p><del>(k)</del> detail the process for and locations of construction traffic movement monitoring and the frequency and times of monitoring relevant to the stage of construction set out in the programme in the Construction Management Plan;</p> <p>(k) provide a process for <a href="#">ensuring that updated traffic information is- included in the Construction Engagement Plan</a><del>preparing a traffic management communications plan;</del></p> <p>(l) identify any <a href="#">material</a> construction activity <del>being undertaken by other parties,</del> including –roading works occurring along access routes identified in <a href="#">Condition 65(b)</a><del>and consider the cumulative effects of these activities if any; and</del></p> <p>(m) provide details of any feedback provided by Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council and Manawatu District Council and how it was incorporated;</p> <p><del>(n) include a construction lighting management plan, to demonstrate how compliance with AS/NZS 4282:2019 Zone A2 Limits are achieved between 11:00pm and dawn, and any measures to address potential headlight sweep.</del></p>	<p><a href="#">undertake</a>, to ensure safe <a href="#">and fit for purpose</a> site access routes and access points, including <a href="#">for</a> possible night-time movement of construction vehicles;</p> <p>(d) outline methods to manage local and network wide effects of construction, including temporary traffic management measures, such as traffic detours (including for public transport, walking and cycling, school bus routes, and infrastructure) and temporary speed limits;</p> <p>(e) describe measures to maintain safe pedestrian and cyclist movements in the vicinity of the site, including measures to ensure that any shared paths delivered by <a href="#">PNCC Palmerston North City Council</a> and Te Araroa Trail between Palmerston North and Feilding are open to the public for use at all times (including any diversions) during construction of the Freight Hub;</p> <p>(f) include the construction vehicle noise limits and any requirements for effective noise suppression;</p> <p>(g) identify the properties affected and detail measures to provide vehicle access to private properties on Roberts Line including ensuring that access to the northern end of Richardsons Line at Roberts Line is able to be provided for heavy vehicles at all times;</p> <p>(h) identify opportunities to use the rail network to minimise effects on the roading network where practicable;</p> <p>(i) provide details for any new permanent accesses to be formed at the earliest practical opportunity to limit the adverse effects of construction and severance, including safe and practical access (<a href="#">including for heavy vehicles</a>) to 422 and 422A Railway Road (SEC 1480 BLK VII KAIRANGA SD and LOT 1 DP 74613);</p> <p>(j) provide measures for the management of fine material loads (e.g. covers) and the timely removal of any material deposited or spilled on public roads;</p> <p><del>(k)</del> detail the process for and locations of construction traffic movement monitoring and the frequency and times of monitoring relevant to the stage of construction set out in the programme in the Construction Management Plan;</p> <p><del>(k)</del> <del>(l)</del> <a href="#">specify how road condition will be monitored and maintained (including in conjunction with the relevant Road Controlling Authority), to ensure that road surface integrity and waterproofness is maintained at a level consistent with that identified through the pre-works surveys required by Condition 67A(a), including specifications of the frequency and response times for remedying defects;</a></p> <p><del>(m)</del> <a href="#">provide a process for identifying the information to be included in the Construction Engagement Plan required by Condition 25, including any updates to that information;</a></p> <p><del>(n)</del> identify any construction activity including –roading works occurring along access routes identified in <del>condition</del><a href="#">Condition 65(b)</a> and consider the cumulative effects of those activities if any; <a href="#">and</a></p> <p><del>(n)</del> provide details of any feedback provided by Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council and Manawatu District Council and how it was incorporated.</p> <p><del>(n)</del> <del>include a construction lighting management plan, to demonstrate how compliance with AS/NZS 4282:2019 Zone A2 Limits are achieved between 11:00pm and dawn, and any measures to address potential headlight sweep.</del></p>	
<p>66. The Construction Traffic Management Plan <del>shall</del><a href="#">must</a> be reviewed and updated as required <a href="#">to align with</a> <del>by</del> the key stages identified in the construction programme- <a href="#">required-</a> in <del>condition 57</del><a href="#">the Construction Management Plan</a>.</p>	<p>66. The Construction Traffic Management Plan <del>shall</del><a href="#">must</a> be reviewed and updated as required by the key stages identified in the construction programme in <a href="#">Condition 57, taking into account the results of the construction traffic movement monitoring and road network condition 57</a><del>data surveys</del>.</p>	<p>The programme is required in accordance with the Construction Management Plan.</p>

**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
67. The Requiring Authority <del>shall</del> <u>must</u> provide any updated draft Construction Traffic Management Plan to Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council and Manawatu District Council for review and feedback at least 20 working days prior to submitting the updated Construction Traffic Management Plan for recertification under Condition 9A.	67. The Requiring Authority shall provide any updated draft Construction Traffic Management Plan to Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council and Manawatu District Council for review and feedback at least 20 working days prior to submitting the updated Construction Traffic Management Plan for recertification under Condition 9A.	Agreed.
	<p><u>67A. Pre-construction baseline surveys</u></p> <p><u>(a) Prior to commencement of [Earthworks and Site Establishment Works] of the Freight Hub, the Requiring Authority must undertake and document:</u></p> <p><u>(i) pre-works condition surveys of the carriageways including road roughness, rutting, skid resistance, cracking and drainage performance along the local roads affected by the Freight Hub, as identified in the certified Construction Traffic Management Plan under Condition 65(l);</u></p> <p><u>(ii) independent comparative pavement life-cycle modelling (e.g. DTiMS) informed by Falling Weight Deflectometer (FWD) surveys, of both the 'with' (Scenario A) and 'without' (Scenario B) Earthworks and Site Establishment Works traffic scenarios, to identify the timing of pavement renewal works required under each scenario.</u></p> <p><u>(b) The Requiring Authority must submit the surveys and assessment results to Palmerston North City Council's Roading Asset Manager at least ten working days prior to commencement of Earthworks and Site Establishment Works.</u></p>	KiwiRail does not agree with the inclusion of these conditions.
	<p><u>67B.</u></p> <p><u>(a) As soon as practicable following completion of [Earthworks and Site establishment Works] of the Freight Hub, the Requiring Authority must, at its expense, conduct a FWD survey, using the same methods, locations and geographical extent as required by Condition 67A(iii). The results of the pre and post-works surveys will be compared.</u></p> <p><u>(b) Where necessary, the Requiring Authority must, at its expense and subject to the authorisation of the relevant Road Controlling Authority, engage an approved Council contractor to carry out any rehabilitation works necessary to restore the asset to the predicted Scenario B lifespan identified in the pre-works survey.</u></p> <p><u>Advice note:</u> <u>The Requiring Authority and the Road Controlling Authority may separately agree on a cost sharing arrangement and process for local road rehabilitation, by way of side agreement.</u></p>	
<u>67C. The Requiring Authority shall ensure that Maple Street is not used by construction traffic to access the Freight Hub.</u>	<u>67C. Maple Street must not be used by construction traffic to access the Freight Hub site.</u>	Agreed between KiwiRail and PNCC.
<u>Construction Noise and Vibration Management Plan</u>		
68. <u>At least 20 working days prior to the Works commencing,</u> <del>the</del> Requiring Authority <del>shall</del> <u>must</u> prepare a Construction Noise and Vibration Management Plan and implement the plan for the duration of the Works.	68. The Requiring Authority must prepare a Construction Noise and Vibration Management Plan and implement the plan for the duration of the Works.	Timeframe included in KiwiRail's proposed conditions. It is appropriate for this plan to be prepared closer to the works commencing because of the detail required to be developed.
69. The objective of the Construction Noise and Vibration Management Plan is to demonstrate how compliance with <u>the limits in</u> Conditions 71 and 72 will be achieved for the duration of the Works.	69. The objective of the Construction Noise and Vibration Management Plan is to demonstrate how compliance with Conditions 71 and 72 will be achieved for the duration of the Works.	Minor wording differences.
70. The Construction Noise and Vibration Management Plan <del>shall</del> <u>must</u> be prepared by a suitably qualified and experienced person and in general accordance with the requirements of Annex E2 of NZS 6803:1999	70. The Construction Noise and Vibration Management Plan <del>shall</del> <u>must</u> be prepared by a suitably qualified and experienced person and in general accordance with the requirements of Annex E2 of NZS 6803:1999.	Agreed between KiwiRail and PNCC.
71. All of the Works must be undertaken to ensure that, as far as practicable, construction noise does not exceed the limits in Table 1. Construction Noise limits.	71. All of the Works must be undertaken to ensure that, as far as practicable, construction noise does not exceed the limits in Table 1. Construction Noise limits. Noise levels	Agreed between KiwiRail and PNCC.

Appendix B – KiwiRail and PNCC final conditions

**KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021**      **PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021**      **KIWIRAIL COMMENTS**

Noise levels must be measured and assessed in accordance with NZS 6803:1999 Acoustics – Construction noise as follows (at occupied dwellings).

Table 1 - Construction Noise limits

Time of Week	Time Period	LAeq	LAFmax
Weekdays	0630 – 0730	55 dB	75 dB
	0730 – 1800	70 dB	85 dB
	1800 – 2000	65 dB	80 dB
	2000 – 0630	45 dB	75 dB
Saturdays	0630 – 0730	45 dB	75 dB
	0730 – 1800	70 dB	85 dB
	1800 – 2000	45 dB	75 dB
	2000 – 0630	45 dB	75 dB
Sundays and Public Holidays	0630 – 0730	45 dB	75 dB
	0730 – 1800	55 dB	85 dB
	1800 – 2000	45 dB	75 dB
	2000 – 0630	45 dB	75 dB

N.B. Advice note: Shading indicates *night-time* hours.

must be measured and assessed in accordance with NZS 6803:1999 Acoustics – Construction noise as follows (at occupied dwellings).

Table 1 - Construction Noise limits

Time of Week	Time Period	LAeq	LAFmax
Weekdays	0630 – 0730	55 dB	75 dB
	0730 – 1800	70 dB	85 dB
	1800 – 2000	65 dB	80 dB
	2000 – 0630	45 dB	75 dB
Saturdays	0630 – 0730	45 dB	75 dB
	0730 – 1800	70 dB	85 dB
	1800 – 2000	45 dB	75 dB
	2000 – 0630	45 dB	75 dB
Sundays and Public Holidays	0630 – 0730	45 dB	75 dB
	0730 – 1800	55 dB	85 dB
	1800 – 2000	45 dB	75 dB
	2000 – 0630	45 dB	75 dB

N.B. Shading indicates *night-time* hours.

71A. Night-time construction work that exceeds the noise limits specified in ~~Table 1 of~~ in eCondition 71 and Table 2 of in eCondition 72 shall ~~must~~ only take place if the Works cannot be practicably undertaken during day time hours.

71A. Night-time construction work that exceeds the noise limits specified in Table 1 in Condition 71 and Table 2 in Condition 72 shall only take place if:  
 (a) the Works cannot be practicably undertaken during daytime hours;  
 (b) a suitably qualified and experienced person, on behalf of the Requiring Authority, undertakes a specific noise assessment of the proposed works, which includes identifying mitigation measures to minimise the associated noise impacts, and those measures are implemented;  
 (c) sensitive receivers within the area where the noise standards will be exceeded are notified of the timing and duration of the activity, at least five working days before the Works commence; and  
 (d) a copy of information demonstrating the conditions in (a) and (b) are met is provided to the Head of Planning Services, Palmerston North City Council at least five working days before the works commence.

KiwiRail considers that this is most appropriate addressed in Condition 73(h) of the Construction Noise and Vibration Management Plan.

71BA. (a) Prior to Works commencing, and prior to preparation of the Construction Noise and Vibration Management Plan, the Requiring Authority must undertake an assessment to determine whether the construction noise limits in Table 1 in Condition 71 will be exceeded, and whether acoustic mitigation

KiwiRail considers that this is most appropriate addressed in Condition 73(k) and (l) of the Construction Noise and Vibration Management Plan.

Appendix B – KiwiRail and PNCC final conditions

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS																																																		
	<p><a href="#">such as temporary or permanent acoustic screens is required to achieve compliance with the noise limits in Table 1. The assessment must be undertaken by a suitably qualified and experienced person.</a></p> <p>(b) <a href="#">The results of the assessment required by (a) and details of any required acoustic mitigation must be included in the Construction Noise and Vibration Management Plan.</a></p> <p>(c) <a href="#">Any acoustic mitigation required to achieve compliance with the construction noise limits in Table 1 in Condition 71 must be put in place prior to construction of the Works commencing and must be maintained for the duration of those Works.</a></p>																																																			
<p>72. Construction vibration must, as far as practicable, comply with the criteria in Table 2 Vibration Criteria, where:</p> <p>(a) Measurement is in accordance with ISO 4866:2010 Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures;</p> <p>(b) BS 5228-2 is British Standard BS 5228-2:2009 Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration.</p> <p>Table 2: Vibration Criteria</p> <table border="1" data-bbox="136 919 1026 1249"> <thead> <tr> <th>Receiver</th> <th>Location</th> <th>Details</th> <th>Category A PPV</th> <th>Category B PPV</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Occupied dwellings and schools</td> <td rowspan="2">Inside the building</td> <td>2000 – 0630</td> <td>0.3 mm/s</td> <td>1 mm/s</td> </tr> <tr> <td>0630 – 2000</td> <td>1 mm/s</td> <td>5 mm/s</td> </tr> <tr> <td>Other occupied buildings</td> <td>Inside the building</td> <td>0630 – 2000</td> <td>2 mm/s</td> <td>5 mm/s</td> </tr> <tr> <td rowspan="2">Unoccupied buildings</td> <td rowspan="2">Building foundation</td> <td>Vibration transient</td> <td rowspan="2">5 mm/s</td> <td>BS 5228-2<sup>2</sup> Table B.2</td> </tr> <tr> <td>Vibration continuous</td> <td>50% of BS 5228-2 Table B.2<sup>3</sup></td> </tr> </tbody> </table>	Receiver	Location	Details	Category A PPV	Category B PPV	Occupied dwellings and schools	Inside the building	2000 – 0630	0.3 mm/s	1 mm/s	0630 – 2000	1 mm/s	5 mm/s	Other occupied buildings	Inside the building	0630 – 2000	2 mm/s	5 mm/s	Unoccupied buildings	Building foundation	Vibration transient	5 mm/s	BS 5228-2 <sup>2</sup> Table B.2	Vibration continuous	50% of BS 5228-2 Table B.2 <sup>3</sup>	<p>72. Construction vibration must, as far as practicable, comply with the criteria in Table 2 Vibration Criteria, where:</p> <p>(a) Measurement is in accordance with ISO 4866:2010 Mechanical vibration and shock – Vibration of fixed structures – Guidelines for the measurement of vibrations and evaluation of their effects on structures;</p> <p>(b) BS 5228-2 is British Standard BS 5228-2:2009 Code of practice for noise and vibration control on construction and open sites – Part 2: Vibration.</p> <p>Table 2: Vibration Criteria</p> <table border="1" data-bbox="1086 919 1917 1249"> <thead> <tr> <th>Receiver</th> <th>Location</th> <th>Details</th> <th>Category A PPV</th> <th>Category B PPV</th> </tr> </thead> <tbody> <tr> <td rowspan="2">Occupied dwellings and schools</td> <td rowspan="2">Inside the building</td> <td>2000 – 0630</td> <td>0.3 mm/s</td> <td>1 mm/s</td> </tr> <tr> <td>0630 – 2000</td> <td>1 mm/s</td> <td>5 mm/s</td> </tr> <tr> <td>Other occupied buildings</td> <td>Inside the building</td> <td>0630 – 2000</td> <td>2 mm/s</td> <td>5 mm/s</td> </tr> <tr> <td rowspan="2">Unoccupied buildings</td> <td rowspan="2">Building foundation</td> <td>Vibration transient</td> <td rowspan="2">5 mm/s</td> <td>BS 5228-2<sup>2</sup> Table B.2</td> </tr> <tr> <td>Vibration continuous</td> <td>50% of BS 5228-2 Table B.2<sup>3</sup></td> </tr> </tbody> </table>	Receiver	Location	Details	Category A PPV	Category B PPV	Occupied dwellings and schools	Inside the building	2000 – 0630	0.3 mm/s	1 mm/s	0630 – 2000	1 mm/s	5 mm/s	Other occupied buildings	Inside the building	0630 – 2000	2 mm/s	5 mm/s	Unoccupied buildings	Building foundation	Vibration transient	5 mm/s	BS 5228-2 <sup>2</sup> Table B.2	Vibration continuous	50% of BS 5228-2 Table B.2 <sup>3</sup>	<p>Agreed between PNCC and KiwiRail.</p>
Receiver	Location	Details	Category A PPV	Category B PPV																																																
Occupied dwellings and schools	Inside the building	2000 – 0630	0.3 mm/s	1 mm/s																																																
		0630 – 2000	1 mm/s	5 mm/s																																																
Other occupied buildings	Inside the building	0630 – 2000	2 mm/s	5 mm/s																																																
Unoccupied buildings	Building foundation	Vibration transient	5 mm/s	BS 5228-2 <sup>2</sup> Table B.2																																																
		Vibration continuous		50% of BS 5228-2 Table B.2 <sup>3</sup>																																																
Receiver	Location	Details	Category A PPV	Category B PPV																																																
Occupied dwellings and schools	Inside the building	2000 – 0630	0.3 mm/s	1 mm/s																																																
		0630 – 2000	1 mm/s	5 mm/s																																																
Other occupied buildings	Inside the building	0630 – 2000	2 mm/s	5 mm/s																																																
Unoccupied buildings	Building foundation	Vibration transient	5 mm/s	BS 5228-2 <sup>2</sup> Table B.2																																																
		Vibration continuous		50% of BS 5228-2 Table B.2 <sup>3</sup>																																																
<p>(c) The Category A construction vibration criteria in Table 2 above must be complied with as far as practicable. If measured or predicted vibration from the Works exceeds the Category A criteria, <a href="#">the Requiring Authority must engage</a> an independent, suitably qualified and experienced person <del>must</del> assess and manage construction vibration during those activities.</p> <p>(d) <del>If prior to or during Works,</del> measured or predicted vibration from the Works <del>exceeds</del> the Category B criteria, <del>these activities in Table 2:</del></p> <p>(i) <del>the relevant Works must only not commence or proceed if vibration effects on affected buildings are assessed and monitored by an independent, until a</del> suitably qualified and experienced person <del>has undertaken a building condition survey at affected receivers (provided the owner(s) and/or occupier(s) has agreed to such a survey) and the identified specific Best Practicable Option measures to manage the effects of vibration; and</del></p> <p>(ii) <del>the Requiring Authority must undertake vibration effects shall</del> monitoring for the duration of the relevant Works.</p> <p>(e) <del>The findings of the building condition surveys and measures identified in Condition 72(d) must be mitigated in accordance with that person's recommendations, included as a Schedule to the Construction Noise and Vibration Management Plan in Condition 73 and the Requiring Authority</del></p>	<p>(c) The Category A construction vibration criteria in Table 2 above must be complied with as far as practicable. If measured or predicted vibration from the Works exceeds the Category A criteria, <a href="#">the Requiring Authority must engage</a> an independent, suitably qualified and experienced person <del>must</del> assess and manage construction vibration during those activities.</p> <p>(d) <del>(d) If prior to or during Works,</del> measured or predicted vibration from the Works <del>exceeds</del> the Category B criteria, <del>these activities in Table 2:</del></p> <p>(iii) <del>the relevant Works must only not commence or proceed if vibration effects on affected buildings are assessed and monitored by an independent, until a</del> suitably qualified and experienced person <del>has undertaken a building condition survey at affected receivers (provided the owner(s) and/or occupier(s) has agreed to such a survey) and the identified specific Best Practicable Option measures to manage the effects of vibration; and</del></p> <p>(iv) <del>the Requiring Authority must undertake vibration effects shall</del> monitoring for the duration of the relevant Works.</p> <p>(e) <del>The findings of the building condition surveys and measures identified in Condition 72(d) must be mitigated in accordance with that person's recommendations, included as a Schedule to the Construction Noise and</del></p>	<p>Agreed between PNCC and KiwiRail.</p>																																																		



**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
<p><a href="#">must implement the mitigation measures for the duration of the relevant Works.</a></p> <p>(f) <a href="#">The Schedule must be provided to the Palmerston North City Council (Head of Planning Services) as soon as practicable before the relevant Works commence.</a></p> <p>(g) <a href="#">As soon as practicable following completion of the relevant Works, the Requiring Authority must engage a suitably qualified and experienced person to undertake a building condition survey at affected receivers identified in Condition 72(d) to determine if any damage has occurred as a result of construction vibration.</a></p> <p>(h) <a href="#">The Requiring Authority must repair any damage identified in Condition 72(g) as soon as practicable.</a></p>	<p><a href="#">Vibration Management Plan in Condition 73 and the Requiring Authority must implement the mitigation measures for the duration of the relevant Works.</a></p> <p>(f) <a href="#">The Schedule must be provided to the Palmerston North City Council (Head of Planning Services) as soon as practicable before the relevant Works commence.</a></p> <p>(g) <a href="#">As soon as practicable following completion of the relevant Works, the Requiring Authority must engage a suitably qualified and experienced person to undertake a building condition survey at affected receivers identified in Condition 72(d) to determine if any damage has occurred as a result of construction vibration; and</a></p> <p>(h) <a href="#">The Requiring Authority must repair any damage identified in (g) as soon as practicable.</a></p>	
<p>73. The Construction Noise and Vibration Management Plan <del>shall</del><u>must</u> achieve the objective in Condition 69 and <del>shall</del> include:</p> <p>(a) the noise and vibration limits as set out in the <del>Ce</del>onditions 71 and 72;</p> <p>(b) a description of the construction works and processes;</p> <p>(c) a description of anticipated equipment and any noise or vibration suppression devices;</p> <p>(d) the hours of operation, including times and days when activities causing noise and/or vibration would occur;</p> <p>(e) identification of affected dwellings and other noise sensitive activities and projected noise and vibration levels for those activities;</p> <p>(f) a description of alternative management strategies where compliance with the criteria in Conditions 71 or 72 may not be achieved;</p> <p>(g) methods and frequency for monitoring and reporting on construction noise and vibration;</p> <p>(h) details of the procedures <u>and timing</u> for notifying stakeholders <u>and sensitive receivers</u> of construction activities, <del>including</del> in relation to night time works, <u>where the night time noise limits in Table 1 of Condition 71 and Table 2 of Condition 72 will be exceeded, notice to sensitive receivers must include the expected timing and duration of the works and be provided and copied to the Palmerston North City Council at least five working days before the works commence); <del>and</del></u></p> <p>(i) <u>procedures for handling noise and vibration complaints as set out in the Construction Engagement Plan and Complaints Register in <del>Ce</del>onditions 23-29;</u></p> <p>(i) construction equipment operator training procedures and expected construction site behaviours; and</p> <p>(j) contact numbers for key construction staff, staff responsible for noise assessment and the council compliance officer;</p> <p>(k) whether the construction noise limits in Table 1 in <del>Ce</del>ondition 71 will be exceeded and whether acoustic mitigation (such as temporary or permanent acoustic screens) is required to achieve compliance with those noise limits. Any such mitigation <del>shall be put in place shall</del><u>must</u> be put in place prior to the Works commencing and <del>shall</del> be maintained for the duration of those Works; and</p> <p>(l) <u>procedures and timing for a suitably qualified and experienced person to undertake a specific noise assessment of night-time construction works, which must include any recommended mitigation measures to minimise the</u></p>	<p>73. The Construction Noise and Vibration Management Plan <del>shall</del><u>must</u> achieve the objective in Condition 69 and shall include:</p> <p>(a) the noise and vibration limits as set out in <del>the conditions</del><u>Conditions</u> 71 and 72;</p> <p>(b) a description of the construction works and processes;</p> <p>(c) a description of anticipated equipment and any noise or vibration suppression devices;</p> <p>(d) the hours of operation, including times and days when activities causing noise and/or vibration would occur;</p> <p>(e) identification of affected dwellings and other noise sensitive activities and projected noise and vibration levels for those activities;</p> <p>(f) a description of alternative management strategies where compliance with the criteria in Conditions 71 or 72 may not be achieved;</p> <p>(g) methods and frequency for monitoring and reporting on construction noise and vibration;</p> <p>(h) details of the procedures <u>and timing</u> for notifying stakeholders <u>and sensitive receivers</u> of construction activities, including in relation to night-time works, <del>and as provided for by Condition 71A;</del></p> <p>(i) <u>procedures for handling noise and vibration complaints as set out in the Construction Engagement Plan and Complaints Register in conditions 23-29;</u></p> <p>(ii) construction equipment operator training procedures and expected construction site behaviours; <del>and</del></p> <p>(<del>ik</del>) contact numbers for key construction staff, staff responsible for noise assessment and the council compliance officer;</p> <p><del>(k) whether the construction noise limits in Table 1 in condition 71 will be exceeded and whether acoustic mitigation (such as temporary or permanent acoustic screens) is required to achieve compliance with those noise limits. Any such mitigation shall be put in place shall be put in place prior to the Works commencing and shall be maintained for the duration of those Works; and</del></p> <p>(l) <u>mitigation measures to minimise the noise impacts of any <del>where</del> night-time construction work that exceeds noise is measured or predicted to exceed the noise limits specified in <del>table</del><u>Table</u> 1 in <del>condition</del><u>Condition</u> 71 and <del>table</del><u>Table</u> 2 in <del>condition</del><u>Condition</u> 72, the noise assessment and details of the mitigation measures required by Condition 71A; and</u></p> <p>(m) <u>the assessment and details of the acoustic mitigation measures required by Condition [73A].</u></p>	<p>KiwiRail considers that the procedures for exceedance of noise limits is most appropriately addressed in the Construction Noise and Vibration Management Plan.</p>

**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
noise impacts of any night-time construction work that exceeds the noise limits specified in <del>T</del> able 1 in <del>C</del> ondition 71 and <del>T</del> able 2 in <del>C</del> ondition 72.		
<b>Water supply</b>		
74. <del>All</del> The Requiring Authority must ensure that all new buildings within the Freight Hub <del>shall beare</del> serviced with adequate water supply and access to that supply for firefighting purposes in accordance with the New Zealand Fire Service Firefighting Code of Practice SNZ PAS 4509:2008.	74. <del>All</del> The Requiring Authority must ensure that all new buildings within the Freight Hub <del>shall beare</del> serviced with adequate water supply and access to that supply for firefighting purposes in accordance with the New Zealand Fire Service Firefighting Code of Practice SNZ PAS 4509:2008.	Agreed between KiwiRail and PNCC.
<b>Operational Lighting Design Plan</b>		
75. The Requiring Authority <del>shall</del> must prepare and <del>submit and Operational Lighting Design Plan to Palmerston North City Council at least three months prior to the first train operating in the Freight Hub. The Requiring Authority must</del> implement an Operational Lighting Design Plan.	75. The Requiring Authority <del>shall</del> must prepare and implement an Operational Lighting Design Plan.	Timeframe proposed by KiwiRail prior to operation of trains within the site is considered an appropriate trigger.
75A. The Operational Lighting Design Plan <del>shall</del> must be prepared by a suitably qualified and experienced person.	75A. The Operational Lighting Design Plan <del>shall</del> must be prepared by a suitably qualified and experienced person.	Agreed between KiwiRail and PNCC.
76. The objective of the Operational Lighting Design Plan is to demonstrate how the lighting for the outdoor operational areas, access roads (including the Perimeter Road), and carparks of the Freight Hub will be designed to <del>comply with AS/NZS 4284:2019- Control of the obtrusive effects of outdoor lighting, Zone A2 limits between 11.00pm and 6.00am to</del> manage sky glow, glare, light spill and effects on road users from the operation of the Freight Hub, including at the Palmerston North Airport Control Tower.	76. The objective of the Operational Lighting Design Plan is to demonstrate how the lighting for the outdoor operational areas, access roads (including the Perimeter Road), and carparks of the Freight Hub will be designed to manage sky glow, glare, light spill and effects on road users from the operation of the Freight Hub, <del>and to demonstrate how that lighting will achieve compliance with AS/NZS 4284:2019- Control of the obtrusive effects of outdoor lighting, Zone A2 limits,</del> including at the Palmerston North Airport Control Tower.	Minor differences in wording.
77. The Operational Lighting Design Plan <del>shall</del> must achieve the objective in Condition 76 and <del>shall</del> must include: (b) the projected light spill and glare calculations; (c) the proposed locations and design for lighting structures, including low-level security lighting and under carriage lighting; (d) any measures to reduce potential adverse visual amenity effects including minimising where practicable, the number of lighting poles and the height of lighting towers; (e) confirmation that a Civil Aviation Authority NZ Part 77 Determination has been obtained if required; and (f) identification of potential areas where headlight sweep onto the windows of a residential dwelling's bedroom is likely to occur because of night-time traffic movements within the site and when exiting the site. If so, provide details for measures to mitigate its effects; and (g) the proposed exterior lighting colour, which <del>shall</del> must have a colour temperature of light emitted of 3000 Kelvin or lower.	77. The Operational Lighting Design Plan <del>shall</del> must achieve the objective in Condition 76 and shall include: <del>(b)(a)</del> the projected light spill and glare calculations; <del>(eb)</del> the proposed locations and design for lighting structures, including low-level security lighting and under carriage lighting; <del>(ec)</del> any measures to reduce potential adverse visual amenity effects including minimising where practicable, the number of lighting poles and the height of lighting towers; <del>(ed)</del> confirmation that a Civil Aviation Authority NZ Part 77 Determination has been obtained if required; and <del>(fe)</del> identification of potential areas where headlight sweep onto the windows of a residential dwelling's bedroom is likely to occur because of night-time traffic movements within the site and when exiting the site. If so, provide details for measures to mitigate its effects; and <del>(ef)</del> the proposed exterior lighting colour, which shall have a colour temperature of light emitted of 3000 Kelvin or lower.	Agreed between KiwiRail and PNCC.
<b>Operational Traffic Management Plan</b>		
78. The Requiring Authority <del>shall</del> must prepare and <del>submit an Operational Traffic Management Plan to Palmerston North City Council at least three months prior to the first train operating in the Freight Hub. The Requiring Authority must</del> implement an Operational Traffic Management Plan for the duration of the Freight Hub's operation.	78. The Requiring Authority <del>shall</del> must prepare and implement an Operational Traffic Management Plan for the duration of the Freight Hub's operation.	Amendment proposed to include a timeframe for preparation of the management plan consistent with the other operational management plans.
79. The objective of the Operational Traffic Management Plan is to <del>manage the traffic generated by the operational activities of the Freight Hub and the methods that will be undertaken to</del> avoid, remedy or mitigate any identified adverse transport effects of <del>that</del> traffic <del>generated by the operation of the Freight Hub.</del>	79. The objective of the Operational Traffic Management Plan is to manage the traffic generated by the operational activities of the Freight Hub and describe the methods that will be undertaken to avoid, remedy or mitigate any identified adverse transport effects of that traffic.	Amendments proposed for clarity on the objective.
80. At least 20 working days prior to the Operational Traffic Management Plan being submitted to Palmerston North City Council for certification <del>under condition 5,</del> the Requiring Authority <del>shall</del> must provide a draft of the Operational Traffic	80. At least 20 working days prior to the Operational Traffic Management Plan being submitted to Palmerston North City Council for certification under <del>condition</del> Condition 5, the Requiring Authority <del>shall</del> must provide a draft of the	Agreed between KiwiRail and PNCC.

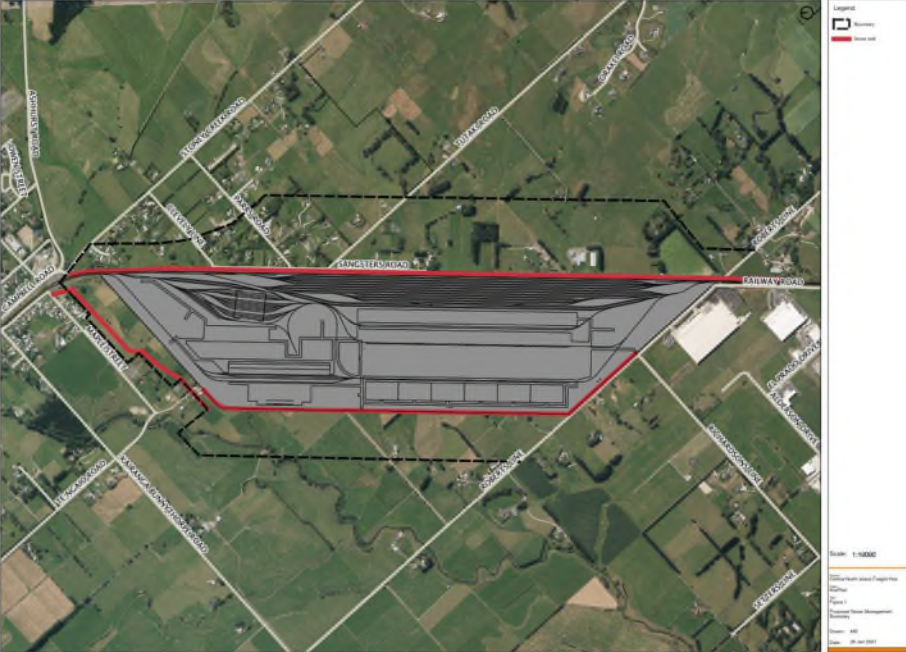
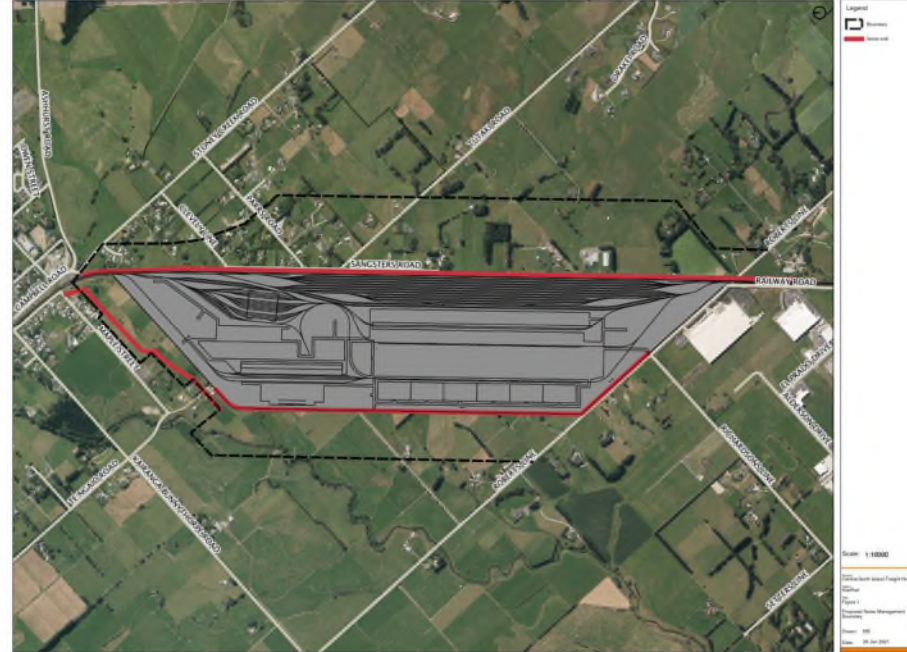
**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
<p>Management Plan to Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council and Manawatu District Council for feedback.</p> <p>81. The Operational Traffic Management Plan <del>shall</del><u>must</u> achieve the objective in Condition 79 and include:</p> <p>(a) the process for and frequency of operational traffic monitoring <u>(at least every two years until completion, unless otherwise agreed with Palmerston North City Council,</u> including when the monitoring commences, the location of monitoring points, the timing of monitoring (to avoid school or public holidays, and to be undertaken at a similar time each year) and the period of traffic count collection <u>(which must be at least 7 consecutive days);</u></p> <p>(b) a description of actual and forecasted traffic generation at each of the Freight Hub's access points, including light and heavy vehicles, as a result of activities within the Freight Hub;</p> <p>(c) <del>records of assessment and reporting on the method for assessing the safety and performance of each of the Freight Hub's access points</del> <u>(carried out in accordance with Condition 81A), including road safety audits and modelling of intersection performances; with allowance made for the interaction with rail crossings within the site) and any other access point onto the section of the Perimeter Road between Roberts Line and Maple Street;</u></p> <p>(ed) details of any feedback provided by Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council, and Manawatu District Council and how it has been incorporated; <u>and</u></p> <p>(e) <del>the process for reviewing and updating the Operational Traffic Management Plan as outlined in Condition 82.</del></p>	<p>Operational Traffic Management Plan to Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council and Manawatu District Council for feedback.</p> <p>81. The Operational Traffic Management Plan <del>shall</del><u>must</u> achieve the objective in Condition 79 and include:</p> <p>(a) the process for and frequency of operational traffic monitoring <u>(at least every two years until the final review of the Operational Traffic Management Plan),</u> including when the monitoring commences, the location of monitoring points, the timing of monitoring <del>(to avoid school or public holidays,</del> and to be <del>undertaken</del> at a similar time <del>each of the year),</del> and the period of traffic count collection <del>(, which must be at least 7 consecutive days);</del></p> <p>(b) a description of actual and forecasted traffic generation at each of the Freight Hub's access points, including light and heavy vehicles, as a result of activities within the Freight Hub;</p> <p>(c) <del>the method for assessing</del> <u>records of assessment and reporting on</u> the safety <u>(carried out in accordance with Condition 81A)</u> and performance, of each of the Freight Hub's access points, <del>including road safety audits and modelling of intersection performances;</del></p> <p><del>(d) (with allowance made for the interaction with rail crossings within the formsite) and timing of safety and road upgrades relevant to the Freight Hub's any other access points, including:</del></p> <p><del>—— (i) point onto the section of Perimeter Road between Roberts Line between Railway Road and Richardsons Line, including established accesses and intersections and Maple Street;</del></p> <p><del>—— (ii) other roading connections detailed in the Road Network Integration Plan; and</del></p> <p><del>(e) (d) details of any feedback provided by Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council, and Manawatu District Council and how it has been incorporated.</del></p>	<p>Conditions largely agreed with minor differences of wording. KiwiRail considers that it is appropriate that only the access points to the Freight Hub are assessed.</p>
<p><u>81A. The Requiring Authority must assess the safety and performance of the accesses listed in Condition [81(c)] to demonstrate that they achieve:</u></p> <p><u>(a) a Level of Service of D or better (for sign-controlled intersections, this is the Level of Service on the side road(s) approach(es)), as modelled with SIDRA or similar intersection modelling software; and</u></p> <p><u>(b) in the event that there have been any serious injury or fatal crashes (as reported in the Waka Kotahi Crash Analysis System (CAS) database) the road network at the accesses in Condition 81(c) since the previous review of the Operational Traffic Management Plan, road safety audits must be undertaken in accordance with the New Zealand Transport Agency Road Safety Audit Procedures for Projects, Guidelines Interim Release May 2013.</u></p>	<p><u>81A. (i) The Requiring Authority must assess the safety and performance of the intersections, links and accesses listed in Condition [81(c)] to demonstrate that they achieve:</u></p> <p><u>(a) A Level of Service of D or better (for sign-controlled intersections, this is the Level of Service on the side road(s) approach(es)), as modelled with SIDRA or similar intersection modelling software; and</u></p> <p><u>(b) In the event that there have been any serious injury or fatal crashes as reported in the Waka Kotahi Crash Analysis System (CAS) database on the road network included in Condition 81(c) since the previous review of the Operational Traffic Management Plan, road safety audits undertaken in accordance with the New Zealand Transport Agency Road Safety Audit Procedures for Projects, Guidelines Interim Release May 2013 which identify no serious or significant safety concerns.</u></p> <p><u>(j) In the event that any of the intersections, links and accesses does not meet the standards in (a) or (b), the Requiring Authority must develop designs for upgrades to that infrastructure in order to achieve these standards.</u></p> <p><u>(k) The developed designs must be submitted to the Chief Roding Engineer at Palmerston North District Council for certification that the designs meet the requirements of (a).</u></p>	<p>KiwiRail considers that it is appropriate to only assess the access points to the Freight Hub. The conditions are otherwise largely agreed between PNCC and KiwiRail.</p>

**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS								
	(l) <a href="#">The Requiring Authority must, at their cost, implement the certified infrastructure upgrades within 12 months of receiving certification.</a>									
<p>81B. <a href="#">In the event that any of the accesses do not meet the standards in Condition 81A(a) or 81A(b), and in circumstances where the failure to meet those standards is attributable to operational traffic associated with the Freight Hub, the Requiring Authority must:</a></p> <p>(a) <a href="#">develop designs for upgrades to that infrastructure in order to achieve these standards;</a></p> <p>(b) <a href="#">submit the designs to the Chief Roading Engineer at Palmerston North District Council for certification that they meet the requirements of Condition 81A(a) and / or (81A(b)).</a></p> <p>(c) <a href="#">implement at its cost the certified infrastructure upgrades within 12 months of receiving certification.</a></p>		Minor differences of wording.								
<p>82. The Requiring Authority <del>shall</del><b>must</b> review and update the Operational Traffic Management Plan:</p> <p>(a) with each relevant outline plan of works for buildings and development of the Freight Hub taking into account the outcomes of any monitoring and audits undertaken <del>pursuant to in accordance with Condition 81 and 81A;</del></p> <p>(b) when total vehicle movements across all accesses for the Freight Hub exceed 4200 vehicles per day;</p> <p>(c) when total vehicle movements across all accesses associated with the Freight Hub exceed 8000 vehicles per day.</p> <p>(d) <a href="#">when total traffic movements across all accesses for the Freight Hub exceed 12000 vehicles per day; and</a></p> <p>(e) <a href="#">at least every 6 years</a></p>	<p>82. The Requiring Authority <del>shall</del><b>must</b> review and update the Operational Traffic Management Plan:</p> <p>(a) with each relevant outline plan of works for buildings and development of the Freight Hub, taking into account the outcomes of any monitoring and audits undertaken <del>pursuant to condition in accordance with Condition 81 and 81A;</del></p> <p>(b) when total vehicle movements across all accesses for <del>the</del> Freight Hub exceed 4200 vehicles per day; <del>and</del></p> <p>(c) when total vehicle movements across all accesses for <del>associated with the</del> Freight Hub exceed 8000 vehicles per day;</p> <p>(d) <a href="#">when total traffic movements across all accesses for the Freight Hub exceed 12000 vehicles per day; and</a></p> <p>(e) <a href="#">at least every 6 years.</a></p>	Agreed between PNCC and KiwiRail.								
<p>83. The Requiring Authority <del>shall</del><b>must</b> advise Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council and Manawatu District Council on the outcomes of any review undertaken in accordance with <del>condition</del><a href="#">Condition</a> 82 and provide any updated draft Operational Traffic Management Plan to those parties for review and feedback.</p>	<p>83. The Requiring Authority <del>shall</del><b>must</b> advise Waka Kotahi NZ Transport Agency, Horizons Regional Council, Palmerston North City Council and Manawatu District Council on the outcomes of any review undertaken in accordance with <del>condition</del><a href="#">Condition</a> 82 and provide any updated draft Operational Traffic Management Plan to those parties for review and feedback. <a href="#">in accordance with Condition 80.</a></p>	Minor differences of wording.								
<p>84. The Requiring Authority is not required to review and update the Operational Traffic Management Plan under <a href="#">Condition</a> 82(b) or 82(c) <del>or 82(d)</del> within 12 months of the previous review and update of the Operational Traffic Management Plan.</p>	<p>84. The Requiring Authority is not required to review and update the Operational Traffic Management Plan under 82(b), <del>82(c)</del> or 82(<del>ed</del>) within 12 months of the previous review and update of the Operational Traffic Management Plan.</p>	Agreed between PNCC and KiwiRail.								
<b>Operational Noise and Vibration</b>										
<p>85. All operational activities at the Freight Hub <del>(excluding traffic on the Perimeter Road and rail traffic on the North Island Main Trunk Line)</del> must be undertaken to ensure that noise does not exceed the limits, <a href="#">as far as practicable</a>, in Table 3 when measured at or beyond the Noise Management Boundary shown in Figure 1 as far as practicable.</p> <p>Table 3: <a href="#">Noise Limits</a></p> <table border="1" data-bbox="255 1705 724 1839"> <tr> <td>All times</td> <td>55dB LAeq (1hr)</td> </tr> <tr> <td>10pm-7am</td> <td>85 dBLAmax</td> </tr> </table> <p>Figure 1 Noise Management Boundary</p>	All times	55dB LAeq (1hr)	10pm-7am	85 dBLAmax	<p>85. All operational activities at the Freight Hub (excluding traffic on the Perimeter Road <del>and the North Island Main Trunk Line and rail traffic on the North Island Main Trunk Line</del>) must be undertaken to ensure that noise does not exceed the limits in Table 3 when measured at or beyond the Noise Management Boundary shown in Figure 1 <a href="#">as far as practicable</a>.</p> <p>Table 3</p> <table border="1" data-bbox="1175 1642 1644 1776"> <tr> <td>All times</td> <td>55dB LAeq (1hr)</td> </tr> <tr> <td>10pm-7am</td> <td>85 dBLAmax</td> </tr> </table> <p>Figure 1 Noise Management Boundary</p>	All times	55dB LAeq (1hr)	10pm-7am	85 dBLAmax	<p>The NIMT and Perimeter Road must be excluded from the noise controls in this designation. KiwiRail considers that it is necessary to retain "as far as reasonably practicable" on the basis that this is a designation and some allowance may be required to accommodate changes as a result of detailed design.</p>
All times	55dB LAeq (1hr)									
10pm-7am	85 dBLAmax									
All times	55dB LAeq (1hr)									
10pm-7am	85 dBLAmax									

Appendix B – KiwiRail and PNCC final conditions

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
		
<p>85A. Sound levels of operational activities at the Freight Hub must be measured in accordance with NZS 68024:2008 Acoustics – Measurement of environmental sound and assessed in accordance with NZS 6801:2008 Acoustics – Environmental noise, except that no corrections shall will be made for duration (6.4). <del>Corrections for noise characteristics shall only be made using objective measures, except for tonality characteristics which shall be made using objective and subjective methods.</del></p> <p><i>Advice note: for the purposes of Condition 85A, sound generated from normal rail activities which are undertaken in accordance with good site management practices, including the sound from containers being picked up and put down, is not classified as having special audible characteristics.</i></p>	<p>85A. Sound levels of operational activities at the Freight Hub must be measured in accordance with NZS 6801:2008 Acoustics – Measurement of environmental sound and assessed in accordance with NZS 6801:2008 Acoustics – Environmental noise, except that no corrections shall be made for duration (6.4). <del>Corrections for noise characteristics shall only be made using objective measures, except for tonality characteristics which shall be made using objective and subjective methods.</del></p>	<p>KiwiRail considers that an advice note is appropriate to clarify that sound generated from rail activities undertaken in accordance with good site management practices is not considered to have special audible characteristics.</p>
<p>85AA. The Freight Hub must be designed and operated to ensure that noise does not exceed 65 dB LAeq(1hr) within any site zoned Rural or Residential (as at 23 October 2020) outside the Designation Extent.</p>	<p>85B. The Freight Hub must be designed and operated to ensure that noise (excluding noise from traffic on the Perimeter Road and the North Island Main Trunk Line) does not exceed 65 dB LAeq(1hr) at any time within any site that was zoned Rural or Residential at [the date the Notice of Requirement is confirmed] and which is outside the Designation extent.</p>	<p>Agreed.</p>
<p>85B. <del>Noise insulation</del></p> <p><del>(a) The Requiring Authority shall predict and map (showing the noise contours), the day-time and night-time noise levels for the following 12 months (if required). The predictions and map shall be updated annually thereafter, and whenever a significant change in operational activity is predicted to increase the noise levels by 2dB or more.</del></p> <p><del>(b) Where sound levels are predicted to exceed 55 dB LAeq(1hr) at any time, or 45 dB LAeq (1hr) between the hours of 10pm and 7am, at any noise sensitive receiver, the Requiring Authority shall:</del></p> <p><del>(i) undertake investigations to determine if acoustic treatment is necessary; and</del></p> <p><del>(ii) if acoustic treatment is necessary, offer (and if the property owner accepts the offer) install noise insulation and / or ventilation in existing buildings at the Requiring Authority's cost.</del></p> <p><del>The installation of insulation and / or ventilation must achieve acceptable internal noise levels of 35 dB LAeq(1h) in bedrooms and 40 dB LAeq(1h) in other</del></p>		<p>KiwiRail considers that is appropriate to undertake noise modelling once detailed design has been undertaken and prior to operation of the Freight Hub. It is appropriate for those conditions to be reviewed and updated where required due to changes in activity levels.</p>

Appendix B – KiwiRail and PNCC final conditions

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
<p><del>habitable spaces of dwellings as at 23 October 2020, including allowance for future noise from further stages of development of the Freight Hub.</del></p> <p>85B. <del>At least 12 months prior to the commencement of operation of any noise generating component of the Freight Hub, the Requiring Authority must undertake noise modelling to predict at intervals of 45 dB LAeq (1hr), 55 LAeq (1hr) and 65 dB LAeq (1hr):</del></p> <p><del>(a) the projected noise levels from the operation of the Freight Hub for the following 12 months ("Annual Noise Contours"); and</del></p> <p><del>(b) the long term projected noise levels from future activities within the Freight Hub ("Future Noise Contours").</del></p> <p><del>The Requiring Authority must thereafter undertake noise modelling annually, and update the Annual Noise Contours and Future Noise Contours (as required).</del></p>		
<p>85C. <del>Where the Annual Noise Contours identify that the noise levels are predicted to exceed 55 dB LAeq(1hr) at any time, or 45 dB LAeq (1hr) between the hours of 10pm and 7am, (either wholly or partly) at any Existing Dwelling in the following 12 months, the Requiring Authority must:</del></p> <p><del>(a) subject to property owner(s) approval and within three months of producing the Annual Noise Contours, engage a suitably qualified person to undertake investigations at those Existing Dwellings to determine if any acoustic treatment measures are necessary to achieve, based on the Future Noise Contours, an internal noise levels of 35 dB LAeq(1h) in bedrooms and 40 dB LAeq(1h) in other habitable spaces;</del></p> <p><del>(b) within three months of undertaking the investigations in Condition 85C(a), make an offer to the property owner(s) to install, at the Requiring Authority's cost, acoustic treatment measures recommended by the suitably qualified person to achieve the noise levels in Condition 85C(a) based on the Future Noise Contours and a reasonable future projection of noise from the operation of the North Island Main Trunk Line; and</del></p> <p><del>(c) if the offer in Condition 111(6)(b) is accepted within six months, and provided that the property owner(s) enter into a covenant with the Requiring Authority which includes terms that the owner(s) and occupier(s) will ensure that the acoustic treatment measures are not removed or altered in a way that lessens their effectiveness, the Requiring Authority must install the acoustic treatment and use best endeavours to install that treatment before any Existing Dwelling falls within the 55 dB LAeq(1hr) Annual Noise Contour.</del></p>	<p>85B85C. Noise insulation</p> <p><del>(a) (a) The Requiring Authority shall predict and map (showingAt the noise contours), commencement of the day-time and night-timedetailed design stage, the Requiring Authority must undertake noise modelling to predict the daytime and night-time Freight Hub noise levels for the following 12 months (if required). The predictions and map shall be updated ("Annual Noise Contours"). The Requiring Authority must subsequently undertake noise modelling and update the Annual Noise Contours annually thereafter, and whenever a significant change in operational activity is predicted to increase.</del></p> <p><del>Where the Annual Noise Contours identify that the noise levels by 2dB or more.</del></p> <p><del>(b) (b) Where sound levels at any Existing Dwelling (either wholly or partly) are predicted to exceed:</del></p> <p><del>(i) 55 dB LAeq(1hr) at any time, or between 7am and 10pm;</del></p> <p><del>(ii) 45 dB LAeq (1hr) between the hours of 10pm and 7am; at any noise sensitive receiver, the Requiring Authority shall:</del></p> <p><del>(i) undertake investigations to determine if acoustic treatment is necessary; and</del></p> <p><del>(ii) if acoustic treatment is necessary, offer (and if the the Requiring Authority must, subject to property owner accepts the offer) install(s) approval, prepare a noise insulation and /-or ventilation in existing buildings at the Requiring Authority's cost.</del></p> <p><del>The installation of ventilation design report ('Noise Insulation Design Report') for that dwelling, and undertake a detailed inspection of the dwelling, in order to prepare an offer to the dwelling owner(s) to provide noise insulation and/or ventilation.</del></p> <p><del>(c) All Annual Noise Contour predictions and each Noise Insulation Design Report must be prepared by a suitably qualified and /-or ventilation must achieve acceptable-experienced person, in conjunction with building professionals as required.</del></p> <p><del>(d) The Noise Insulation Design Report must identify noise insulation and/or ventilation that is predicted to reduce the noise levels allowed by Condition 85 and 85B and the noise from the North Island Main Trunk Line in order to achieve internal noise levels of 35 dB LAeq(1h) in bedrooms and:</del></p> <p><del>(i) 40 dB LAeq(1hr) in other habitable spacesrooms, except bedrooms;</del></p> <p><del>(ii) 35 dB LAeq(1hr) in bedrooms.</del></p> <p><del>The noise source characteristic shall be that of dwellings as at 23 October 2020, including allowance for future noise-a representative locomotive.</del></p> <p><del>(e) Where ventilating windows need to be closed to achieve the noise reduction, a positive supplementary source of fresh air ducted from further stages of</del></p>	<p>In relation to specific differences in approaches between KiwiRail and PNCC:</p> <ul style="list-style-type: none"> <li>o KiwiRail considers that it is necessary to specify that modelling will be undertaken to produce contours at 10dB intervals as these 10dB increments are appropriate for triggering management actions.</li> <li>o Condition 85C(b) of PNCC's conditions implies treatment is always required, but this may not be the case. KiwiRail's conditions require investigations to be undertaken and to offer treatment where it is determined necessary.</li> <li>o PNCC's proposed condition 85C(f) imposes timeframes that are not enforceable as they rely on third party agreement. KiwiRail's proposed condition 85C(c) appropriately require best endeavours to be made. KiwiRail's proposed condition 85C(c) also requires a covenant to be entered into which is appropriate and common to ensure that the mitigation installed is not lessened in its effectiveness.</li> <li>o KiwiRail agrees to meet the costs of the installation of the package but does not consider it is reasonable to require it to meet the costs of ongoing maintenance as suggested by PNCC.</li> <li>o The noise conditions are required to be included in the Operational Management Plan which will be publicly available. It is unclear why there is a separate requirement to provide these to PNCC.</li> </ul>

**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
	<p><del>development of the Freight Hub outside is required. The supplementary source of air must achieve NZS 4303:1990: Ventilation for acceptable indoor air quality (Building Code Clause G4) requirements, assuming that windows are closed.</del></p> <p>(f) <del>Where accepted by the dwelling owner(s), the noise insulation and/or ventilation identified in the Noise Insulation Design Report must be installed at the Requiring Authority's cost, as soon as reasonably practical, but at least before the noise levels in (b)(i) or (b)(ii) are exceeded, whichever of those noise levels is exceeded first.</del></p> <p>(g) <del>The Requiring Authority must meet the reasonable costs of maintaining the acoustic and mechanical integrity of the noise insulation and/or ventilation installed in accordance with (f).</del></p> <p>(h) <del>The Annual Noise Contours required by (a) must be provided to the Head of Planning Services at Palmerston North City Council within ten working days of undertaking the updated noise modelling.</del></p> <p>(i) <del>The Noise Insulation Design Reports required by (b) must be provided to the Head of Planning Services at Palmerston North City Council within one month of formal acceptance or rejection of the offer by the dwelling owner(s).</del></p>	
<p>85CC. <del>Where any bedrooms within an Existing Dwelling contain openable windows, the acoustic treatment measures in Condition 85C(a) must include a positive supplementary source of fresh air ducted from outside which must achieve a minimum of 7.5 litres per second per person</del></p>		<p>This standard is consistent with the District Plan requirements.</p>
<p>85D. <del>When providing acoustic treatment measures in accordance with Condition 85C, the Requiring Authority is not required to fund any measures required to:</del></p> <p>(a) <del>bring a building up to the standard required in any building regulations, bylaws or any provisions of any statute that applied when the building or relevant part thereof was constructed; or</del></p> <p>(b) <del>remove any asbestos that is likely to be disturbed by the installation of the acoustic treatment.</del></p>		<p>This condition is appropriate to clarify that KiwiRail will not be required to meet the costs required to bring a building up to a standard to which it should have been constructed to or to meet the costs of removing asbestos (if found).</p>
<p>85E. <del>If requested by the property owner(s), the Requiring Authority may, at its discretion, install or contribute to the cost of installing alternative acoustic measures (which may result in a different acoustic internal environment), subject to the property owner(s) being granted any necessary building or resource consents (as may be required).</del></p>		<p>This condition recognises that if a landowner wishes to have alternative treatment, KiwiRail may agree to that subject to relevant approvals.</p>
<p>85F. <del>The Requiring Authority is not required to achieve an internal design noise level of 35 dB Laeq(1h) in bedrooms and 40 dB Laeq(1h) in other habitable spaces, and will not be in breach of Condition 85C, if:</del></p> <p>(a) <del>the property owner(s) accepts a form or level of acoustic treatment that results in a different internal design sound level; or</del></p> <p>(b) <del>it is not reasonably practicable to achieve the specified internal design noise level due to the type, structure, age or state of repair of the Existing Dwelling or the desirability to maintain heritage features of the Existing Dwelling.</del></p> <p><del>In the event that Condition 85F(b) applies, the Requiring Authority must install measures to reduce the internal design sound level of the habitable spaces as far as practicable.</del></p>		<p>If KiwiRail agrees to install alternative treatment that results in a different sound level or the condition of the building is such that it cannot meet the levels, this condition appropriately acknowledges KiwiRail will not be in breach of its condition.</p>
<p>86. All operational activities in the Freight Hub (<del>excluding the NIMT</del>) must be undertaken to ensure that vibration at any <del>dwelling existing as at 23 October</del></p>	<p>86. All operational activities in the Freight Hub (excluding the <del>NIMT</del> North Island Main Trunk Line) must be undertaken to ensure that vibration at any <del>dwelling existing as</del></p>	<p>KiwiRail's proposed definition of Freight Hub excludes the NIMT for the purposes of these conditions. It is necessary to retain reference to "as far as practicable" as a process is appropriately provided for in the conditions for any exceedance.</p>

**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
<p><del>2020</del>Existing Dwelling outside the Freight Hub does not exceed 0.3 mm/s vw,95 as far as practicable.</p>	<p><del>at 23 October 2020</del>Existing Dwelling outside the Freight Hub does not exceed 0.3 mm/s vw,95 <del>as far as practicable.</del></p>	
<p>87. The Requiring Authority <del>shall</del> must prepare and <del>submit an Operational Noise and Vibration Management Plan to Palmerston North City Council at least three months prior to the first train operating in the Freight Hub. The Requiring Authority must</del> implement <del>an</del> the Operational Noise and Vibration Management Plan.</p>	<p>87. The Requiring Authority <del>shall</del> must prepare and implement an Operational Noise and Vibration Management Plan.</p>	<p>Agreed between PNCC and KiwiRail.</p>
<p>88. The objective of the Operational Noise and Vibration Management Plan is to <del>detail measures to control noise and vibration effects demonstrate how compliance with the noise and vibration limits for the operation of the Freight Hub set out in Conditions 85,85AA and 86 will be achieved. from the operation of the Freight Hub.</del></p>	<p>88. The objective of the Operational Noise and Vibration Management Plan is to detail measures to control noise and vibration effects from the operation of the Freight Hub.</p>	<p>KiwiRail's proposed amendments to the objective clarify the scope of the management plan.</p>
<p>89. The Operational Noise and Vibration Management Plan <del>shall</del> must be prepared by a suitably qualified and experienced person.</p>	<p>89. The Operational Noise and Vibration Management Plan <del>shall</del> must be prepared by a suitably qualified and experienced person.</p>	<p>Agreed between PNCC and KiwiRail.</p>
<p>90. The Operational Noise and Vibration Management Plan <del>shall</del> must outline:</p> <p>(a) the noise and vibration limits for both day and night time activities within the Freight Hub must operate as set out in <del>Table 3 and</del> Condition 85 <del>and Condition 86;</del></p> <p>(b) <del>the Annual Noise Contours and the Future Noise Contours produced in accordance with Condition 85B; an operational noise contour map;</del></p> <p>I <del>the details of</del> any noise mitigation required to manage the noise effects including:</p> <p>(i) a continuous barrier, including bunds and/or natural elevation on the eastern boundary of the <del>Designation E</del> extent extending to <del>at least</del> 5 metres above the finished ground level;</p> <p>(ii) a barrier 3 metres above <del>finished local</del> ground level on the northern boundary of the <del>Designation E</del> extent;</p> <p>(iii) a barrier 3 metres above finished ground level on the western boundary if dwellings are still within 500m of the <del>Perimeter Road in that location Freight Hub</del> when operation commences; <del>and</del></p> <p>(iv) acoustic treatment of <del>Existing Dwellings buildings</del> required by <del>Conditions 85B to 85F; and</del></p> <p><del>(v) an asphaltic mix road surface on the Perimeter Road.</del></p> <p>I the process for undertaking modelling and monitoring of operational noise and vibration;</p> <p>(f) the location of permanent noise monitors which <del>shall</del> must include:</p> <p>(i) <del>one in the northern area of the Freight Hub; and</del></p> <p>(ii) one in the eastern area of the Freight Hub; and</p> <p>(iii) <del>one in the western area of the Freight Hub, if dwellings are still within 500 metres of the Perimeter Road in that location.</del></p> <p>(g) site noise management measures including operation of machinery and equipment in a manner to avoid unreasonable noise.</p>	<p>90. The Operational Noise and Vibration Management Plan <del>shall</del> outline <del>must include:</del></p> <p>(a) the noise and vibration limits for both day and night <del>time</del> activities within the Freight Hub <del>must operate</del> as set out in <del>Table 3 and</del> Condition 85 <del>and 85B;</del></p> <p>(b) <del>an operational the noise contour map management boundary in Figure 1 in Condition 85;</del></p> <p>I <del>the details of</del> any noise mitigation required to manage the noise effects including, <del>as a minimum:</del></p> <p>(i) a continuous barrier, including bunds and/or natural elevation on the eastern boundary of the designation extent extending to <del>at least</del> 5 metres above the finished ground level <del>of the Freight Hub;</del></p> <p>(ii) a barrier 3 metres above finished ground level <del>of the Freight Hub</del> on the northern boundary of the designation extent;</p> <p>(iii) a barrier 3 metres above finished ground level <del>of the Freight Hub</del> on the western boundary if dwellings <del>at the western boundary</del> are still within 500m of the Freight Hub when operation commences;</p> <p>(iv) acoustic treatment of <del>buildings Existing Dwellings</del> required by <del>Condition 85B condition 85C;</del> and</p> <p>(v) an asphaltic mix road surface on the Perimeter Road.</p> <p><del>(e)</del> the process for undertaking modelling and monitoring of operational noise and vibration;</p> <p><del>(f)</del> the location of permanent noise monitors, which shall include one in the northern area <del>and</del>, one in the eastern area <del>and one towards the west of the site, if dwellings are still within 500 metres of the Freight Hub when operation commences;</del> and</p> <p><del>(g)</del> site noise management measures including operation of machinery and equipment in a manner <del>that adopts the Best Practicable Option</del> to avoid unreasonable noise.</p>	<p>KiwiRail considers that it is appropriate for the noise contours, once detailed design has been undertaken, to be included in the management plan. Condition 90(c)(ii) must refer to three meters relative to ground level due to the elevation in this area.</p>
<p>91. The Requiring Authority <del>shall</del> must make the current version of the Operational Noise and Vibration Management Plan publicly available on <del>its</del> website.</p>	<p>91. The Requiring Authority <del>shall</del> must make the current version of the Operational Noise and Vibration Management Plan publicly available on <del>its</del> website.</p>	<p>Agreed between KiwiRail and PNCC.</p>
<p>92. The Requiring Authority <del>shall</del> must review and update (including with any additional noise modelling as required) the Operational Noise and Vibration Management Plan:</p> <p>(a) annually; and</p> <p>(b) prior to any significant changes in activity at the Freight Hub that might reasonably be expected to alter or otherwise affect the noise and vibration levels generated from the Freight Hub.</p>	<p>92. The Requiring Authority <del>shall</del> must review and update (including with any additional noise modelling as required) the Operational Noise and Vibration Management Plan:</p> <p>(a) annually; and</p> <p>(b) prior to any significant changes in activity at the Freight Hub that might reasonably be expected to alter or otherwise affect the noise and vibration levels generated from the Freight Hub.</p>	<p>Agreed between KiwiRail and PNCC.</p>
<p><b>Operational Dust Management</b></p>		



**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
<p>93. The Requiring Authority <del>shall</del><u>must</u> prepare and <u>submit an Operational Noise and Vibration Management Plan to Palmerston North City Council at least three months prior to the first train operating in the Freight Hub. The Requiring Authority must</u> implement <del>an</del><u>the</u> Operational Dust Management Plan.</p>	<p>93. The Requiring Authority <del>shall</del><u>must</u> prepare and implement an Operational Dust Management Plan.</p>	<p>Amendment proposed to include a timeframe for preparation of the Management Plan consistent with the other operational plans.</p>
<p>94. The objective of the Operational Dust Management Plan is to <del>detail the mitigation and ongoing measures to control dust avoid, remedy or mitigate the adverse effects of dust</del> from the operation of the Freight Hub.</p>	<p>94. The objective of the Operational Dust Management Plan is to detail <del>the mitigation and ongoing measures to control dust for avoiding, remedying or mitigating the adverse effects of dust</del> from the operation of the Freight Hub.</p>	<p>Agreed between KiwiRail and PNCC.</p>
<p>95. The Operational Dust Management Plan <del>shall</del><u>must</u> be prepared by a suitably qualified and experienced person.</p>	<p>95. The Operational Dust Management Plan <del>shall</del><u>must</u> be prepared by a suitably qualified and experienced person.</p>	<p>Agreed between KiwiRail and PNCC.</p>
<p>96. The Operational Dust Management Plan <del>shall outline</del><u>must achieve the objective in Condition 94 and include:</u></p> <ul style="list-style-type: none"> <li>(a) <del>The details and location and nature</del> of dust generating activities on the site;</li> <li>(b) <del>A description of the location of</del> any sensitive receptor <del>locations within 100m of the Designation Extent;</del></li> <li>(c) <del>A</del> qualitative assessment of the risk of impacts of dust generation from dust generating activities, including the typical frequency and duration of exposure to dust for each activity;</li> <li>(d) <del>A description of the intensity and character (including offensiveness) of each type of dust discharge;</del></li> <li>(e) <del>The</del> mitigation and management practices to minimize <del>the potential for more than minor adverse</del> dust emissions <del>beyond the Designation Extent; and</del></li> <li>(f) <del>The</del> process for monitoring dust generation and dust generating activities.             <ul style="list-style-type: none"> <li>(i) <del>The roles and responsibilities of staff in relation to the Operational Dust Management Plan; and</del></li> <li>(h) <del>The training required for staff to implement the Operational Dust Management Plan.</del></li> </ul> </li> </ul>	<p>96. The Operational Dust Management Plan <del>shall outline:</del></p> <ul style="list-style-type: none"> <li>(a) <del>The details must achieve the objective in Condition 94 and location of dust-generating activities on the site; must include:</del></li> <li>(b) <del>Aa) a</del> description of <del>any sensitive receptor the activities and locations on site with the potential to generate dust;</del></li> <li>(c) <del>A qualitative 33inimize33t) a description</del> of the <del>risk of impacts potential effects</del> of dust <del>generation discharges</del> from <del>dust-generating those</del> activities, including the typical frequency and duration;</li> <li>(d) <del>a</del> description of the receiving environment and identification of sensitive receptors within 150 metres of exposure to dust for each activity <del>the site boundaries;</del></li> <li>(e) <del>A</del> description of the intensity and character (including offensiveness) of each type of dust discharge;</li> <li>(f) <del>The</del> mitigation and management practices to 33inimize <del>the potential for dust emissions to have more than minor impacts beyond the Designation site boundary;</del></li> <li>(g) <del>a</del> description of the particulate matter monitoring programme and monitoring equipment;</li> <li>(h) <del>a</del> dust monitoring plan including:             <ul style="list-style-type: none"> <li>(i) <del>equipment selection and siting requirements;</del></li> <li>(ii) <del>a maintenance and calibration schedule for meteorological and dust monitoring instruments and data management procedures;</del></li> <li>(iii) <del>methods for undertaking visual monitoring of dust emissions;</del></li> </ul> </li> <li>(i) <del>The process for monitoring dust generation and dust-generating activities;</del></li> <li>(j) <del>(g) Procedures for training of personnel and contractors to make them aware of the requirements of the Operational Dust Management Plan;</del></li> <li>(k) <del>Monitoring triggers and procedures for responding to monitoring and wind speed triggers in Condition 59C;</del></li> <li>(l) <del>The process for recording complaints and providing feedback to the complainant on how issues raised in complaints have been addressed;</del></li> <li>(m) <del>The roles and responsibilities of staff in relation to the Operational Dust Management Plan; and</del></li> <li>(n) <del>(g)(i) (h) The training required for staff to implement personnel responsible for implementing and reviewing the Operational Dust Management Plan.</del></li> </ul>	<p>KiwiRail does not consider that the level of detail and prescription in PNCC's proposed condition is necessary.</p>
<p><del>97. The Requiring Authority shall make the Operational Dust Management Plan publicly available.</del></p>	<p>97. The Requiring Authority <del>shall</del><u>must</u> make the Operational Dust Management Plan publicly available <u>on its website.</u></p>	<p>KiwiRail does not consider that this condition is necessary as the management plan will be made available through the Community Liaison Forum.</p>
<p>98. The Requiring Authority <del>shall</del><u>must</u> review and update the Operational Dust Management Plan:</p> <ul style="list-style-type: none"> <li>(a) <del>annually; and</del></li> <li>(b) <del>prior to any significant changes in activity at the Freight Hub that might reasonably be expected to alter or otherwise affect the dust generated from the Freight Hub.</del></li> </ul>	<p>98. The Requiring Authority <del>shall</del><u>must</u> review and update the Operational Dust Management Plan:</p> <ul style="list-style-type: none"> <li>(a) annually; and</li> <li>(b) prior to any significant changes in activity at the Freight Hub that might reasonably be expected to alter or otherwise affect the dust generated from the Freight Hub.; <u>and</u></li> </ul>	<p>KiwiRail does not consider annual updating of the management plan is required to appropriately manage dust effects beyond the circumstances outlined by (b). For that reason, KiwiRail considers that (a) and (c) is not required.</p>

**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
<p>99. At least three months prior to <u>Works</u> commencing, the Requiring Authority <del>shall</del><u>must</u>:</p> <p>(a) identify <del>dwelling</del><u>Existing Dwellings</u> within 100m of the Freight Hub's Designation Extent <del>and existing as at 23 October 2020</del> that <del>will experience adverse dust effects arising from the operation of the Freight Hub and have rely on</del> roof top rain water supply systems <del>for drinking water supply</del>;</p> <p>(b) <del>undertake investigations of the household water supply</del> at each of the <del>affected Existing Dwellings</del> identified in <del>condition</del><u>Condition</u> 99(a), <del>and identify any mitigation measures required to manage potential dust effects, including offer to install:</del></p> <p>(i) <del>the installation of</del> a first-flush rainwater diversion system <del>at the Requiring Authority's cost; and at residences that rely on rainwater collection; or</del></p> <p>(ii) <del>the supply by bulk tanker of potable water to residents' tank storage systems; or</del></p> <p>(iii) <del>connection to a domestic water supply reticulation system.</del></p> <p><del>(iv) (c) offer to provide one of the mitigation measures listed in condition 99(c) at its cost</del></p> <p><del>(c) subject to property owner(s) approval, install that system as soon as practicable.</del></p>	<p><del>(c) the annual update shall include details of any complaints received in relation to dust during the preceding year, how those complaints were resolved, and any additional mitigation or management measures required to minimise the generation of dust.</del></p> <p>99. At least three months prior to construction <u>Works</u> commencing, the Requiring Authority <del>shall</del><u>must</u>:</p> <p>(a) identify <del>dwelling</del><u>Existing Dwellings</u> within 100m of the Freight Hub's Designation Extent <del>and existing as at 23 October 2020</del> that have roof top <del>rain water</del><u>rainwater</u> supply systems;</p> <p>(b) undertake investigations of the household water supply at each of the affected dwellings identified in <del>condition</del><u>Condition</u> 99(a) and identify any mitigation measures required to manage potential dust effects, including:</p> <p>(i) the installation of a first-flush rainwater diversion systems at residences that rely on rainwater collection; or</p> <p>(ii) the supply by bulk tanker of potable water to residents' tank storage systems; or</p> <p>(iii) connection to a domestic water supply reticulation system;</p> <p><del>(m) (e)</del> offer to provide one of the mitigation measures listed in <del>condition</del><u>Condition</u> 99<del>(e)</del> at its cost; <del>and</del></p> <p>(c) <del>where authorised by the property owner(s), provide the chosen mitigation measure as soon as practicable and prior to construction Works commencing.</del></p>	<p>Amendments proposed by KiwiRail to clarify the scope of the mitigation offers and clarity on the drafting.</p>
<p><u>Ecology</u></p>	<p>99A. <u>Assessment of ecological values</u></p> <p><del>(a) Prior to commencement of the detailed design stage, the Requiring Authority must complete an assessment of the ecological values of the Designation in accordance with relevant and appropriate best practice methodologies, to identify the extent and values of the terrestrial, freshwater and wetland habitats of the Designation, including their amenity and cultural values. The assessment must include, at least:</del></p> <p><del>(i) Stream classification, extent and values, including habitat and ecosystem function assessments, within the Designation and within the receiving environment;</del></p> <p><del>(ii) Surveys of streams to identify any erosion prone areas, to provide a baseline state against which to measure change;</del></p> <p><del>(iii) Wetland extent and values, in accordance with Wetland Delineation Protocols, Horizons One Plan - Schedule F and NPS FM definitions;</del></p> <p><del>(iv) Vegetation assessment to identify extent and values, including both habitat values and presence of Threatened or At Risk Species, and against the criteria within the Horizons One Plan Schedule F;</del></p> <p><del>(v) Lizard surveys, to identify species present and habitat values;</del></p> <p><del>(vi) Bat surveys, if the vegetation assessment identifies potential temporary roost trees;</del></p> <p><del>(vii) Bird surveys, to identify species likely to use the Designation on a temporary or permanent basis, including (but not limited to) assessment of wetland birds if wetlands are identified;</del></p> <p><del>(viii) Freshwater fauna surveys to identify the presence of fauna within the streams within the designation, upstream of the Designation and within the receiving environment downstream of the designation;</del></p>	<p>KiwiRail does not agree to the inclusion of this condition as part of this designation. These surveys would be required as part of any regional resource consent application.</p>

**Appendix B – KiwiRail and PNCC final conditions**

KIWIRAIL PROPOSED CONDITIONS AS AT 13 OCTOBER 2021	PNCC PROPOSED CONDITIONS AS AT 7 OCTOBER 2021	KIWIRAIL COMMENTS
	<p>(ix) <u>Water quality including, but not limited to, parameters related to urban and industrial run off, suspended and deposited sediment and presence of periphyton and macrophytes within and downstream of the Designation.</u></p> <p>(a)(b) <u>The results of the surveys undertaken in (a) must be provided to the Head of Planning Services, Palmerston North City Council in accordance with Condition 10A, and shall inform the detailed design, including where possible, the avoidance of areas of moderate or high ecological value.</u></p>	
<u>Train operations</u>		
	<p><u>99C Safety in Design</u>  <u>The Requiring Authority must undertake and document a Safety in Design process in accordance with KiwiRail Standard G-ST-AL-9131 General Standard – Safety in Design and record the outputs of this process. A record of this process must be provided to the Palmerston North City Council in accordance with Condition 10A.</u></p>	<p>KiwiRail does not agree to this condition as this would be required as a matter of course.</p>
	<p><u>99D Train operation simulation</u>  <u>The Requiring Authority must carry out a detailed simulation of the Freight Hub concept of operations in accordance with AS 7473:2020 Complex system integration in railways and record the outputs of this simulation. A record of this process must be provided to the Palmerston North City Council in accordance with Condition 10A.</u></p>	<p>KiwiRail does not agree to this condition as it is a requirement to ensure that the Freight Hub can meet its operational requirements.</p>
<b>Third Party restrictions</b>		
<p>100. The Requiring Authority <del>shall</del><u>must</u> enable access for maintenance utility works undertaken in road corridors in accordance with the National Code of Practice for Utility Operators Access to Transport Corridors (September 2016) or any approved update to the Code.</p>	<p>100. The Requiring Authority <del>shall</del><u>must</u> enable access for maintenance utility works undertaken in road corridors in accordance with the <i>National Code of Practice for Utility Operators Access to Transport Corridors</i> <del>(September 2016)</del> or any approved update to the Code.</p>	<p>Agreed between KiwiRail and PNCC.</p>
<p>100A. The Requiring Authority <del>shall</del><u>must</u> ensure that access is maintained to the National Grid Transmission Line and support structures for maintenance at all reasonable times, and for emergency works at all times.</p>	<p>100A. The Requiring Authority <del>shall</del><u>must</u> ensure that access is maintained to the National Grid Transmission Line and support <del>structures</del><u>structures</u> for maintenance at all reasonable times, and for emergency works at all times.</p>	<p>Agreed between KiwiRail and PNCC.</p>
<u>Post completion review of designation extent and conditions</u>		
<p><del>101. As soon as practicable following completion of construction of the Freight Hub, the Requiring Authority shall:</del></p> <p><del>(a) review the designation extent</del></p> <p><del>(b) identify areas of designated land that the Requiring Authority considers are no longer necessary for the ongoing operation, maintenance or for ongoing measures to mitigate adverse effects of the Freight Hub; and</del></p> <p><del>(c) notify the Council under section 182 of the RMA to remove those parts of the designation.</del></p>	<p>101. As soon as practicable following <del>completion of construction</del><u>opening</u> of the Freight Hub, the Requiring Authority shall:</p> <p>(a) review the <del>designation extent</del><u>Designation Extent</u>;</p> <p>(b) identify areas of designated land that the Requiring Authority considers are no longer necessary for the ongoing operation, maintenance or for ongoing measures to mitigate adverse effects of the Freight Hub; and</p> <p>(c) notify the Council under section 182 of the RMA to remove those parts of the designation.</p>	<p>While KiwiRail initially proposed this condition, it no longer considers that this is necessary as it is a requirement of the RMA.</p>
<p><del>102. Once construction of the Freight Hub is complete, the following construction conditions will no longer apply and can be removed as part of any subsequent District Plan review:</del></p> <p><del>(a) conditions 23 – 25; and</del></p> <p><del>(b) conditions 57-73.</del></p> <p><del>Advice note: This condition does not prevent works required for the ongoing operation or maintenance of the Freight Hub from being undertaken</del></p>	<p>102. <del>Once construction</del><u>Following commencement of operation</u> of the Freight Hub <del>is complete</del>, the following construction conditions will no longer apply and can be removed as part of any subsequent District Plan review:</p> <p>(a) <del>conditions</del><u>Conditions</u> [23 – 25; <del>and</del></p> <p><del>(b) conditions, 57-73-59, 59B, 59G-J, 61-67, 68 -73A, 99A, 99C-D].</del></p> <p><i>Advice note: This condition does not prevent works required for the ongoing operation or maintenance of the Freight Hub from being undertaken</i></p>	<p>While KiwiRail initially proposed this condition, it no longer considers that this is necessary.</p>